THE DAILY CHRONICLE

AND CONVENTION JOURNAL:

CONTAINING THE SUBSTANCE AND SPIRIT

OF THE

PROCEEDINGS OF THE CONVENTION

WHICH ASSEMBLED AT THE STATE CAPITOL IN HARRISBURG,

MAY 2, 1837,

TO ALTER AND AMEND THE CONSTITUTION OF THE STATE OF PENNSYLVANIA;

HAVING BEEN PUBLISHED FOR THE SAME UNDER A SUBSCRIPTION OF NEARLY FOUR THOUSAND,

BY A RESOLUTION PASSED ON THE 11th OF MAY, 1837,

BY E. GUYER, EDITOR AND PROPRIETOR.

ALLEGHENY COUNTY
Law Library
PITTSBURGH, PA.

HARRISBURG, MAY 5, 1837.
Providing for the call of a Convention to propose amendments to the Constitution of the State, to be submitted to the people thereof for their ratification or rejection.

Whereas, in pursuance of an act passed on the fourteenth day of April, one thousand eight hundred and thirty-five, the freemen of this Commonwealth have, by a decided majority, determined that a convention shall be held to propose and submit for their ratification or rejection, a new State Constitution: And whereas, it is incumbent on the representatives of the people, promptly and without delay, to provide the means of carrying the public will into immediate effect; lof this Commonwealth.

The representatives of the people, promptly and without delay, to provide the means of carrying the public will into immediate effect, therefore,

Sec. 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly, met, and it is hereby enacted by the authority of the same, That an election shall take place in the several election districts of this Commonwealth, on the first Friday in November next, for the choice of delegates to a Convention, to submit amendments to the Constitution of this State to a vote of the people thereof, and that the said Convention shall consist of a number equal to the members composing the Senate and House of Representatives of this Commonwealth.

Sec. 2. The delegates to the Convention shall be apportioned in the same manner that members of the Senate and House of Representatives shall then be by law apportioned.

Sec. 3. For the purpose of electing the aforesaid delegates, polls shall be opened on the said first Friday of November next, in the different election districts of the State, in the manner directed for the holding of the general elections of this Commonwealth; and it shall be the duty of the inspectors, judges, and clerks of the last preceding general election, to attend at the usual hour and place of holding elections, in the different election districts aforesaid, on the first Friday of November next, in the different election districts of the State, in the manner directed for the holding of the general elections of this Commonwealth; and it shall be the duty of the inspectors, judges, and clerks of the last preceding general election, to attend at the usual hour and place of holding elections, in the different election districts aforesaid, on the said first Friday of November next, to receive tickets, either written or printed, from the citizens thereof qualified to vote at the general elections, and to deposit them in a proper box, boxes, to be for that purpose provided by the proper officers, which ticket shall be labelled on the outside with the word "Delegates," and that the said election shall, in all other respects, be conducted; and returns made and transmitted, as in case of elections for Senators and Representatives to the general assembly; and the return judges of said election shall give notice to the persons elected delegates to said Convention, in the same manner that is provided for giving notice to persons elected to the Senate and House of Representatives of this Commonwealth, by the sixteenth section of an act of the fifteenth February, seventeen hundred and ninety-nine, entitled "An act to regulate the general elections within this Commonwealth."

Sec. 4. In the event of the absence of any of the said inspectors, judges, or clerks, such vacancies shall be filled by the election or appointment, as the case may be, of other persons, to act as inspectors, judges, or clerks, in the manner provided by the general election law of this Commonwealth.

Sec. 5. It shall be the duty of the Secretary of the Commonwealth, on receiving the returns of the elections held on the said first Friday in November next, for delegates to the said Convention, from the respective sheriffs, to submit the same to the Governor, who, upon summing up and ascertaining the number of votes given for each and every person so returned as voted for as delegate, shall thereupon declare, by proclamation, the names of the persons duly chosen and elected delegates to the Convention.

Sec. 6. It shall be the duty of the delegates elected as aforesaid, to assemble at the State capitol at Harrisburg, on the first Tuesday of May, eighteen hundred and thirty-seven, and organize by electing a president, and in case of the death or resignation of any of the members of said Convention, the president thereof shall issue his writs of election directed to the sheriff of the proper county, directing an election to be held to fill such vacancies or vacancies, in the same manner that is provided for supplying vacancies in the Senate and House of Representatives; and after the said Convention shall have so organized, from whence they may, if they think proper, adjourn to any other place, and proceed to the execution of the duties assigned them; and when the amendments shall have been agreed upon by the Convention, the Constitution, as amended, shall be engrossed and signed by the officers and members thereof, and delivered to the Secretary of the Commonwealth, by whom, and under whose direction, it shall be printed as soon as practicable, once a week in at least two newspapers published in each county in which two or more newspapers are printed, and in all the papers in each county where not more than two are printed, and in at least six newspapers in the city of Philadelphia: Provided, That in each county in which there is a German newspaper printed, said paper shall be selected by the Secretary as one of the papers in which the amended Constitution is to be printed, until the day of the election that shall be held for the adoption or rejection of the amendments submitted.
SEC. 7. No delegate shall be elected to represent any other district than that in which he shall have resided for one whole year next preceding the election.

SEC. 8. For the purpose of ascertaining the sense of the citizens on the expediency of adopting the amendments so agreed upon by the Convention, it shall be lawful for said Convention to issue a writ of election, directed to the sheriff of each and every county of this Commonwealth, commanding notice to be given of the time and manner of holding an election for the said purpose; and it shall be the duty of the said sheriffs respectively to give notice accordingly, and if said election shall not be held on the day of holding the general election, it shall be the duty of the judges, inspectors, and clerks of the last preceding general election, in each of the said townships, wards, and districts of this Commonwealth, to hold an election in obedience to the directions of the said Convention, in each of the said townships, wards, and districts; at the usual place or places of holding the general elections therein; and it shall also be the duty of the said judges and inspectors to receive, at said election, tickets, either written or printed, from citizens qualified to vote, and to deposit them in a box or boxes, to be for that purpose provided by the proper officers, which tickets shall be labelled on the outside: “Amendments,” and those who are favorable to the amendments may express their desire by voting each a printed or written ticket or ballot, containing the words “For the amendments;” and those who are opposed to such amendments may express their opposition by voting each a printed or written ticket or ballot, containing the words “Against the amendments;” and a majority of the whole number of votes thus given for or against the amendments, when ascertained, in the manner hereinafter directed, shall decide whether said amendments are or are not thereafter to be taken as a part of the Constitution of this Commonwealth: Provided, however, That if the said Convention shall declare it to be most expedient to submit the amendments to the people in distinct and separate propositions, it shall be the duty of the said judges, inspectors, and clerks, to receive ballots prepared accordingly, or in any way which said Convention may direct.

SEC. 9. The election on the said proposed amendments shall, in all respects, be conducted as the general elections of this Commonwealth are now conducted; and it shall be the duty of the return judges of the respective counties thereof, first having carefully ascertained the number of votes given for or against the said amendments, in the manner aforesaid, to make out duplicate returns thereof, expressed in words, at length, and not in figures only, one of which returns, as made, shall be lodged in the prothonotary’s office of the proper county, and the other sealed and directed to the Secretary of the Commonwealth, which shall be by one of the said judges delivered to the sheriff, with the other returns required by law to be delivered to the Secretary of the Commonwealth.

SEC. 10. It shall further be the duty of the Secretary of the Commonwealth, on receiving the returns of the election for and against the amendments proposed by the Convention, to deliver the same to the Speaker of the Senate on or before the first Tuesday of the next session of the legislature, after said returns shall be so received, who shall open and publish the same, in the presence of the members of the Senate and House of Representatives, on the next Tuesday thereafter; and when the number of votes given for, and the number of votes given against the said amendments, shall have been summed up and ascertained, duplicate certificates thereof shall be signed by the Speaker of the Senate, one of which shall be filed in the office of the Secretary of the Commonwealth, and the other delivered to the Governor, whose duty it shall be to declare, by proclamation, whether the said amendments have been or have not been adopted by the freemen of this Commonwealth.

SEC. 11. The delegates to the said Convention shall be entitled to the same pay and mileage to which members of the general assembly are now entitled, which, together with the pay of a competent stenographer to report the debates of the said Convention, and the contingent expenses of the Convention, shall be paid by the State Treasurer, on the warrant of the presiding officer of the Convention; and it shall be the duty of all officers of this State, and of the State Librarian, to furnish the said Convention with such books and papers in their possession, as the said Convention may deem necessary.

SEC. 12. Immediately after the final passage of this act, it shall be the duty of the Secretary of the Commonwealth to furnish the sheriff of each respective county in this State with a copy of said act, requiring him to issue his proclamation, to be inserted in at least two newspapers published in each county in which two or more newspapers are printed, and in all the papers in each county where not more than two are printed, once a week for four successive weeks previous to the first Friday in November next, directing the inspectors, judges, and clerks of the preceding general election to attend at the proper times and places, and perform the duties imposed upon them by the third section of this act, and stating the object of said election, and the number of delegates to be chosen in said county; and the said inspectors, judges and clerks, shall receive the like compensation for any special election, to be paid them in like manner as is provided by law for holding general elections.

NER MIDDLESWORTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

Approved—The twenty-ninth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS. RITNER.
DEBATES IN CONVENTION.

We are requested to state, for the information of the delegates, that a few sets of Elliott's Debates on the adoption of the Federal Constitution, by the several States, in 1787-88, published in four volumes, are for sale at Mr. Buchler's Hotel.

This work embraces the Debates which have been preserved of the State Convention of Pennsylvania, as well as the Proceedings and Debates of the General Convention, which met at Philadelphia in 1787.

CONVENTION PROCEEDINGS.

TUESDAY, May 2, 1837.

The hour of 12 having arrived, Mr. CLARKE, of Indiana, rose and said: This being the day named in the act of the Legislature, providing for the assembling of the Convention to propose amendments to the Constitution of the State, I move that the Convention now come to order, and that Gen. Henry Sheetz be appointed to the chair, for the purpose of organizing the Convention.

Mr. M'SHERRY moved that Gen. Thomas S. Cunningham be appointed Chairman, for the purpose of organizing the Convention.

Mr. THADDEUS STEVENS moved that tellers be appointed, for the purpose of ascertaining which of the gentlemen named should take the chair.

Mr. Rogers, of Pittsburgh, and Mr. Clarke, of Dauphin, were appointed tellers for this purpose, and the roll being called, there appeared for:

- Gen. Sheetz, 64 votes.
- Gen. Cunningham, 66 votes.
- Mr. Clarke, of Indiana, 1 vote.

Mr. Cunningham was excused from voting.

Mr. M'SHERRY then moved, that J. C. Biddle and Charles A. Barnitz be appointed Secretaries pro tempore.

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

Mr. BIDDLE, of Philadelphia, understood the report of the tellers to be, for Gen. Sheetz, 54; for Gen. Cunningham, 66; scattering, 1; and one gentleman did not vote; consequently, Gen. Cunningham was elected, having received a majority of all the votes given.

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

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

Mr. BROWN, of Philadelphia county, inquired if any gentleman had the law providing for the call of the Convention.
Mr. STEVENS then read the law, but he found no provisions to meet the case at issue.

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

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

Mr. M'SHERRY then renewed his motion for the appointment of Mr. Biddle and Mr. Barnitz as Secretaries pro tem.

Mr. PORTER, of Northampton, would inquire of the gentlemen, whether the usual courtesy in bodies of this kind would not induce them to permit the Secretaries to be selected of different parties.

Mr. COX did not understand that these gentlemen belonged to the same party.

Mr. PORTER, of Northampton, understood, from the vote just given, that they did.

Mr. STEVENS observed, that the role the gentleman had laid down would work very well now, but if he had been in the majority instead of the minority, it would not have been a good one.

Mr. PORTER hoped the gentleman would not measure other people's corn by his own basket.

Mr. M'SHERRY said the names of the gentlemen he had nominated were now before the meeting; but that did not preclude other gentlemen from bringing forward other names for its consideration.

Mr. BANKS remarked, that all the delegates stood upon the same footing on that floor, and he did not at all object to a gentleman's making any proposition he thought advisable; and with these views he took upon himself, in the discharge of his duty, then to nominate John Y. Barclay and Thomas Earle as Secretaries pro tem.

Mr. PORTER, of Northampton, moved to postpone the question now before the Chair, for the purpose of nominating and electing the present Tellers as Secretaries pro tem.

Mr. STEVENS moved that the Secretaries pro tem be elected by a plurality of votes.

Mr. CHANDLER, of Chester, called for a division of the question.

Lost.

The question was then taken; and J. C. Biddle and Chas. A. Barnitz were elected Secretaries pro tem.—aye s 55, noes 54.

The Secretary of the Convention being introduced, presented to the Convention a proclamation, containing a certified list of the delegates elected to the Convention.

Mr. EARLE moved to postpone the question before the meeting, for the purpose of introducing a resolution that a committee be appointed to report what officers should be appointed by the Convention.

Mr. CHANDLER, of Chester, called for a division on the question to postpone.

Mr. STEVENS considered this question a very proper one after the election of a President; but at the present time, it certainly was premature.

Mr. MARTIN thought the Convention had already complied with the law of the Legislature, as the person they had placed temporarily in the Chair, was President in the eye of the law; at least, he was President until another was elected.

Mr. BELL thought that they ought to have some rules for the government of the body, until a President was elected and a set of rules adopted. He, therefore, moved that the rules of the House of Representatives be adopted for the government of the Convention, until otherwise ordered.

Mr. STEVENS said, it struck him that the gentleman would not attain his object by his motion, as there was no rule of the House fixing the mode of electing a Speaker. The Speakers of the House of Representatives and Senate were elected under a constitutional provision, which did not extend to this body.

The motion to postpone was then lost, and it was agreed that the Convention now proceed to the election of a President, viva voce.

Mr. M'SHERRY then nominated John Sergeant for the office of President of the Convention; and Mr. DILLINGER nominated James M. Porter.

The delegates then proceeded to the election of a President; and the votes being taken, were as follows:—For John Sergeant—Messrs. Agnew, Ayres, Baldwin, Barndolm, Barnitz, Bayne, Biddle, Brown of Lancaster, Carey, Chambers, Chandler of Chester, Chandler of Philadelphia, Chauncey, Cleavinger, Clark of Beaver, Clarke of Dauphin, Cline, Coates, Cochran, Copé, Cox, Craig, Crum, Cunningham, Darlington, Donnelly, Dickey, Dickerson, Dunlap, Forward, Harris, Henderson of Allegheny, Henderson of Dauphin, Heister, Hopkins, Houp, Jenkins, Kerr, Konigsmarcher, Lang, Mackey, McCall, M'Dowell, M'Sherly, Meredith, Merrill, Merkel, Montgomery, Pennybacker, Pollock, Porter of Lancaster, Purviance, Reigart, Royer, Russell, Stenger, Scott, Seltzer, Serrell, Sill, Smiley, Stevens, Thomas, Todd, Weidman, Young.


For James Clarke—Mr. Porter of Northampton.
For Almon H. Read—Mr. Sterigere.

So it appeared that:

Mr. Sergeant had received - - - - 60 votes.
Mr. Porter - - - - 63
Mr. A. H. Read - - - - 1
Mr. Jas. Clarke - - - - 1

Mr. John Sergeant was therefore declared duly elected President of the Convention; and being accompanied to the chair by Mr. Porter of Northampton, he delivered a brief address, which, owing to the lowness of voice in which it was delivered, the reporter is unable to furnish.

On motion of Mr. HEISTER, the Convention then adjourned until to-morrow morning at 10 o'clock.
The minutes of yesterday having been read, the President laid before the Convention communications from Francis R. Shunk, Samuel Shuch, and Jno. K. Zecklen, offering their services to the Convention for the office of Secretary.

Also, communications from Packer, Barrett & Parker; S. D. Patterson, E. Guyer, and Baab & Ketter, soliciting the situation of printers to the Convention.

Also, communications from Joseph Black and James E. Mitchell, asking to be appointed Sergeant-at-arms to the Convention.

Mr. STERIGERE then offered a resolution, that the Convention proceed to the election of two Secretaries, 

"That two secretaries be elected," and "that the Secretary appoint his assistant," as follows:

Mr. REAR hoped the amendment would not be agreed to. If the amendment did not prevail, they would be likely to obtain the services of an able man, which, if it was adopted, they perhaps could not procure. The probability was, that there would be candidates eminently qualified for the office, if it was on a footing of equality with the Secretary already elected, and it was such men they wanted; but such men, perhaps, might not be found to accept the situation of an assistant. He, therefore, hoped that the amendment might not be adopted.

Mr. MARTIN said it was but yesterday that the Convention appointed two Secretaries precisely on an equality, and there was no sufficient reason why we should depart from this course. The gentleman from Adams (Mr. Stevens) had alluded to the practice in the Legislature, in the election of Clerks, as a precedent. We are very apt to refer to the rules of the House of Representatives when they suit us, and throw them away when they do not. He hoped gentlemen would no longer urge the rules and practice of the House of Representatives as a precedent; but that we might carry out our organization in the manner which the majority might deem most proper. The Legislature has only provided, in the law, for the election of a President; and when he was elected, the Convention was organized, and it may pursue its own course, without reference to any rule or precedent, except such as it sees fit to adopt. On yesterday, those gentlemen who now wish to follow precedents from the House of Representatives, were in favor of the appointment of two Secretaries on a footing of equality, and he saw no reason why this course should be abandoned to-day. He considered that we ought to carry out these measures with forbearance and magnanimity; and he could see no possible objection to this proposition, unless it was on political grounds; and he hoped to see no such standard raised in this Convention.

The motion to amend, "that the Secretary appoint his assistant," was disagreed to.

Mr. STEVENS then moved to amend, "that the Secretaries, with the approbation of the President, appoint the necessary assistants."

Mr. DORAN accepted this modification, and the resolution was then agreed to.

Mr. DORAN nominated Francis R. Shunk, and Mr. M'SHERRY nominated George L. Faus, as candidates for the office of additional Secretary.

"That two secretaries be elected," and "that the Secretary appoint his assistant," as follows:

For Francis R. Shunk, 
For George L. Faus, 

Mr. DUNLOP then moved a resolution, that Francis R. Shunk be an additional Secretary to this Convention.

Mr. CUNNINGHAM moved to amend, "and that Geo. L. Faus
Mr. DORAN submitted the following:

Resolved, That the Convention proceed to the election of two sergeants-at-arms.

Mr. STEVENS moved to strike out two and insert one, which was agreed to—yeas 57, nays 50; and the resolution as amended was agreed to.

The Convention then proceeded to the election of a sergeant-at-arms, and the vote being taken as follows:

Charles Gleim, 64
Joseph Black, 28
James E. Mitchell, 37

Neither of the candidates having received a majority of all the votes given, there was no election.

Mr. STEVENS then moved a resolution, that Charles Gleim be sergeant-at-arms of the Convention.

Mr. DORAN moved to amend, "and that Joseph Black be assistant sergeant-at-arms."

Mr. STERIGERE moved to lay the resolution on the table, which was agreed to.

The name of Joseph Black was then withdrawn, and the Convention again proceeded to an election, which resulted as follows:

James E. Mitchell, 67
Charles Gleim, 65

So, James E. Mitchell was declared duly elected.

Mr. PORTER moved that the Convention proceed to the election of a door-keeper. Agreed to.

Mr. DICKY nominated Daniel Eckels; Mr. EARLE, Andrew Krause; Mr. DONEGAN, D. W. Hyde.

The vote being taken, it resulted as follows:

Daniel Eckels, 67
Andrew Krause, 47
D. W. Hyde, 18

So, Daniel Eckels was declared duly elected door-keeper of the Convention.

Mr. INGERSOLL rose to submit a proposition of great importance, one which he considered of more importance than any which had been brought forward for the consideration of the Convention. He did not mean to preface it with any debate, nor was it his intention to ask the consideration of the resolution he was about submitting; his only object being to have it laid on the table and printed, so that it might be taken up and considered, understandingly, at a proper time.

He then submitted a resolution, that it be referred to a special committee, to report what business it was proper for the Convention to take into consideration. And that said committee be instructed to report with reference to several subjects named in the resolution, which was laid on the table, and ordered to be printed.

Mr. HOPKINSON remarked, that the subject brought to the notice of the Convention, by the gentleman on his right, (Mr. Ingersoll,) was one of the utmost importance—no less than the reviewing of the Constitution of the State, for the purpose of ascertaining whether it was necessary to propose any amendments to be submitted to the people for their consideration. It was obvious that this duty embraced a great variety of subjects; and he agreed with the gentleman, that, in order to meet this question, the business ought to be put in
Mr. BANKS said it was known to every member of the Convention, that Dan Caldwell, late of Union county, who was elected a delegate to this Convention on the 4th of November last, was now no more. Mr. B. hardly knew what course he should pursue in introducing this subject; but he regarded it a duty to take some notice of the death of this gentleman, so that something might appear on the journal to show that he had been elected a delegate to the Convention. Mr. B. then submitted a written notice of the death of Mr. Caldwell, accompanied by a resolution that it be spread upon the journal.

Mr. MERRILL pronounced a brief eulogy on the character of Mr. Caldwell, when the resolution was unanimously adopted.

Mr. DONELLY moved an adjournment.

Mr. STEVENS called for the yea and nay vote, which were ordered, the yeas 44, nays 68. The Convention then adjourned.

Mr. PORTER, of Northampton, moved an amendment, providing that the rules of the House of Representatives be adopted for the government of the Convention, until otherwise ordered, which was accepted as a modification, and the resolution as modified was adopted.

Mr. STERIGER moved an amendment, that the Secretary be authorized to employ such assistants as might be necessary, and that the much of the resolution as was adopted yesterday, in relation to the employment of extra Secretaries, be rescinded. Mr. STEVENS moved a postponement, which was agreed to.

The election of printer to the Convention then came up in order, when Mr. FORWARD moved to postpone this subject, for the pur-
Mr. MARTIN moved to strike out the name of Mr. Clark, and insert that of Mr. Patterson. Lost.

Mr. DONAGAN moved to strike out the name of Mr. Ehrenfried, and insert those of Messrs. Baab & Ritter, which was disagreed to—yeas 56, nays 67.

Mr. PORTER called for a division of the question, so as to take the vote on the first branch of the resolution, which was for the election of Packer, Barret & Parke, printers of the English debates.

Mr. STERIGERE moved to amend the first branch of the resolution, so as to elect Packer, Barret & Parke, and Samuel D. Patterson, printers of the English debates and English journal.

Mr. CURILL called for the yeas and nays, which were ordered, and resulted as follows:


Mr. PORTER, of Northampton, moved to postpone the question before the Convention, for the purpose of proceeding to the election of printer.

Mr. DONAGAN called for the yeas and nays, which were ordered.

Mr. DICKERSON called for a division of the question, so as to take the question on postponement merely, which motion was disagreed to—yeas 65, nays 67.

Mr. PORTER then withdrew the motion for a division, and the original resolution was adopted—yeas 93, nays 37.

Mr. M'CAHEN submitted a resolution, that Joseph Black be an additional sergeant-at-arms of the Convention.

Mr. READ moved to amend by adding, “and that Andrew Krause be an additional door-keeper.”

Mr. STEVENS moved an indefinite postponement of the resolution and amendment. Agreed to.
Resolved, That the Constitution of the State of Pennsylvania; the act of the 14th of April 1835; the act of the 29th of March 1836, entitled “An act providing for the call of a convention, to prepare amendments to the constitution of the State, to be submitted to the people thereof, for their ratification or rejection,” with the supplements thereto, and also the returns of the election held under the said acts, be prefixed to the journal of this Convention.

Mr. DORAN offered the following resolution, which was laid on the table:

Resolved, That a committee of members be chosen, by ballot, to take into consideration the Constitution of this Commonwealth, with such alterations and amendments as may be necessary therein, or may have been agreed upon by the Convention, and to report a draft of a proposed constitution, altered and amended as aforesaid.

Mr. M'DOWELL offered the following resolution, which was adopted:

Resolved, That the Secretary of this Convention cause to be printed, for the use of the members thereof, 300 copies of the Constitution of Pennsylvania; 300 copies of the act of Assembly, entitled “an act to provide for the calling of a convention, with limited powers;” and 300 copies of the act of Assembly, authorizing the election and assembling of the delegates to this Convention.

Mr. DORAN, of Philadelphia co., offered the following resolution:

Resolved, That the Secretaries of this Convention be, and they are hereby, directed to purchase, for the use of the Convention, twelve copies of Elliott’s Debates on the adoption of the Federal Constitution.

Mr. EARLE offered the following resolution:

Resolved, That the Secretary be directed to procure for each member of this Convention, if practicable, one copy containing the several Constitutions of the United States, and of each State of this Union, at an expense not exceeding $1 50 per copy.

Mr. BROWN, of Philadelphia county, offered the following resolution, which was read the second time and adopted:

Resolved, That a committee be appointed to report what books are necessary for the use of this Convention.

Mr. CHAMBERS, from the committee to prepare rules for the government of the Convention, made a report, which was read and ordered to be printed.

The report recommends the adoption of a set of rules not materially different from those by which the House of Representatives of this State are governed. It also recommends the appointment of a committee on each of the nine articles of the present Constitution—a committee on future amendments, and a committee on accounts.

A motion was made to consider the report immediately; but did not prevail.

The Convention then proceeded to the election of an additional Secretary, when Samuel A. Gilmore was elected by the following vote:

Samuel A. Gilmore, - - - - - - 07 votes.
Joseph Williams, - - - - - - 63 "
George W. Hamersly, - - - - - - 1 "

On motion of Mr. STERIGERE, it was Resolved, That the President be authorized to employ some suitable person or persons, as Stenographers, to take the debates of the Convention.

The resolution of Mr. KERR, authorizing the printing of the Constitution of 1790, in bill form, for the use of the members, was taken up, when it was amended, on motion of Mr. PORTER, by adding the Constitution of 1776. The resolution was then adopted.

Mr. INGERSOLL moved to dispense with the order of business, for the purpose of taking up the resolutions offered by himself, on the 3d inst. relative to proper subjects to be submitted to committees.

Mr. STEVENS was opposed to disposing with the orders, as the committee on rules had made a report to-day, which could not be printed before to-morrow.

Mr. INGERSOLL thought that the propositions submitted by him were important, and ought to be the first business of the Convention.

Mr. FORWARD was in favor of delaying all action on the subject, until the report of the committee which had been made this morning, could be printed and laid upon the desks of the members of the Convention.

Mr. CHAMBERS said that the report of the committee embraced every article of the Constitution. The Convention had refused to consider this report until it was printed, and it was certainly improper to act upon this subject without having the whole matter before them.

Mr. EARLE said he had come to the Convention with a desire to act upon the business of the people, and go home before the fall of the year. The report of the committee was well known to the members of the Convention. It referred each of the nine articles of the Constitution to a standing committee. On considering this proposition with the report of the committee, the convention could act as understandingly now as at any other time.

Mr. STEVENS remarked that this desire of the gentleman to save time, did not seem to manifest itself when the postponement of the report of the committee took place this morning.

Mr. INGERSOLL said that he was not as well acquainted with the rules of the House as the gentleman from Adams, and therefore did not understand the report of the committee at the time it was made. The reference of the nine articles of the Constitution to separate committees, and the recommendation of a committee for the subject of future amendment, was well understood, and could be as well taken into consideration now, as at any other time. There were several other subjects which he desired to have referred to committees, subjects upon which the public mind was agitated. For instance, the subject of Commerce and Finance, the subject of Corporations and Privileges, and the subject of Official Appointment and Revenue. Those subjects he should bring before the Convention, and he did not see why they could not be discussed to-day, when there was not business before the Convention.

Mr. DUNLOP was opposed to dispensing with the orders of the day, for the purpose of discussing, prematurely, subjects of so much importance. He thought the discussion would be useless, yet if gentlemen were disposed to listen to a useless debate, he should not object for himself.

The vote being taken on dispensing with the orders of the day, for the purpose of considering Mr. Ingersoll’s resolutions, was lost without a division, when the Convention adjourned.
The Convention was opened with prayer, by the Rev. Mr. Stem, of the Episcopal Church.

The Journal of the Convention of yesterday having been read,

Mr. CURLL, of Armstrong, offered the following resolution, which was considered and adopted:

Resolved. That a committee be appointed to superintend the printing of the Journal in the English language; and also, a committee to superintend the printing in the German language.

Mr. BROWN, of Philadelphia county, offered the following resolution, which was considered and adopted:

Resolved. That the Librarian of the State Library be requested to furnish books to the members of the Convention, under the same rules and regulations as they are furnished to the members of the Senate and House of Representatives.

Mr. MERRILL, of Union, offered the following resolution, which was negatived:

Resolved, That the committee on books and printing be instructed to report to this Convention what books shall be added to the State Library for the use of this Convention.

Mr. EARLE, of Philadelphia county, offered the following resolution, which was laid on the table:

Resolved, That the Secretary of the Commonwealth be requested to furnish the Secretaries of this Convention with certified statements of all the perquisites and official emoluments of the judges of the supreme court, as nearly as can be ascertained, of the amount of gold, silver, and paper money in circulation as currency, or otherwise, held in this State; and also, a separate statement of all such sums as were received during the last financial year, as taxes, of all kinds.

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

Mr. DICKEY, of Beaver, moved to strike out the following words: "as nearly as can be ascertained, the amount of gold, silver, and paper money in circulation, as currency, or otherwise, held in this State."

He said that he was not opposed to calling for any information which was necessary, if the Treasurer had it in his power to give it. But it seemed to him that, in this case, the information was not required for the action of the Convention; neither was it in the power of the Treasurer to give it. He hoped, therefore, that his amendment would prevail.

The question being taken, the motion of Mr. Dickey was negatived.

Mr. STOVES, of Adams, moved to strike out the words "perquisites and official emoluments." He said it was impossible for the Secretary of the Commonwealth to know what the perquisites and official emoluments are. He thought, if the information was desired, the State Treasurer was the proper officer to call upon.

Mr. INGERSOLL, of Philadelphia county, said he did not know all the perquisites and official emoluments of the judicial officers: he believed that the judges of the supreme court were allowed four dollars per day, when performing certain duties; and he believed that they received certain other emoluments. In performing the task for which the people had elected this Convention, it was necessary to know the expense of the administration of justice; and he believed that the Secretary of the Commonwealth was the proper officer to give the information.

Mr. PORTER, of Northampton, said that the per diem allowance to the judges of the supreme court, was of long standing: it was authorized by an act of the Legislature. There was also an allowance for mileage. Besides these, the Recorder of the city of Philadelphia received some perquisites: these were allowed by an act of Assembly, passed some years ago, and formed part of the regular expenses of the administration of justice. There was no difficulty in obtaining the information, if it was desired by the Convention.

Mr. STEVENS withdrew his motion to amend; but suggested to the gentleman from Philadelphia county to modify his resolution, by...
substituting the "State Treasurer" for the "Secretary of the Commonwealth."

Mr. BROWN, of Philadelphia county, thought that the Governor should be the proper officer.

Mr. MERRILL suggested the appointment of a committee, whose business it should be to inquire and make report to the Convention. He thought the information could be obtained in this way better than in any other.

Mr. INGERSOLL then modified his resolution, by substituting the "Auditor-General" and "State Treasurer" for the "Secretary of the Commonwealth," when the first resolution passed.

Mr. MERRILL then moved to strike out that part of the second resolution relative to common schools.

Mr. INGERSOLL hoped that this motion would not prevail. Since his arrival at Harrisburg, he had called upon the Secretary of the Commonwealth, who had provided him with a copy of his "Report on Common Schools," which he had found to be very able. He was pleased to find the Secretary, like himself, an enthusiast on the subject of education. The subject lay at the foundation of popular rights, and was the source of happiness to the people. He, therefore, hoped that no member would object to calling upon the Secretary for his views upon the subject; but that this officer would be permitted to make a report to the Convention on this interesting subject.

Mr. MERRILL withdrew his motion to strike out, when the resolution, as amended, passed.

**RULES AND REGULATIONS.**

The committee then went into the consideration of the following report of the committee on the

**RULES**

For the government of the Convention to propose amendments to the Constitution of Pennsylvania:

MAY 5, 1837.

Mr. CHAMBERS, from the committee appointed to consider and report rules for the regulation of the proceedings of the Convention, reported the following rules:

**OF THE DUTIES OF THE PRESIDENT.**

1. He shall take the chair at the hour to which the Convention shall have adjourned, and immediately call the Delegates to order, and on the appearance of a quorum shall cause the journal of the preceding day to be read, which may then be corrected by the Convention.

2. He shall preserve order and decorum, and in debate shall prevent personal reflections, and confine members to the question under discussion. When two or more delegates rise at the same time, he shall name the one entitled to the floor.

3. He shall decide questions of order. An appeal from his decision may be made by two delegates, or the President may, in the first instance, submit the question to the Convention. On questions of order, there shall be no debate, except on an appeal from the decision of the President, or on a reference of a question by him to the Convention, when no delegate shall speak more than once, unless by leave of the Convention.

4. While the President is putting a question, or addressing the Convention, none shall walk over, off, or across the house; nor in such case, or when a delegate is speaking, shall entertain private discourse; nor, while a delegate is speaking, shall pass between him and the Chair.

5. The President shall appoint the standing and select committees, unless otherwise ordered by the Convention.

6. He shall have a general direction of the hall. He may name a delegate to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment. In case of the sickness or necessary absence of the President, a President pro tempore shall be chosen, who, while he so officiates, shall be clothed with all the powers and perform all the duties of the President.

**OF THE ORDER OF BUSINESS.**

7. After the journal has been read, the order of business shall be as follows:

1. Letters, petitions, memorials, remonstrances, and accompanying documents may be presented and referred.

2. Original resolutions may be offered—leave of absence and leave to withdraw petitions and documents may be asked, and motions to appoint additional members of committees may be made.

3. Reports of committees may be made:
   1st. From standing committees.
   2d. From select committees.

4. Articles of amendment on third reading.

5. Motions to reconsider may be made.

6. Reports and resolutions may, on motion, be considered.

7. Articles of amendment in the following order:
   1. Those in which the Convention has made progress in second reading.
   2. Those reported by a committee of the whole.
   3. Those in which the committee of the whole has made progress, and has leave to sit again.
   4. Those not yet considered in committee of the whole shall be taken up.

**OF BUSINESS AND DEBATE.**

8. When a delegate is about to speak in debate, or to communicate any matter to the Convention, he shall rise and respectfully address himself to "Mr. President," confining his remarks to the subject before the Convention, and avoiding personal reflections.

9. If any delegate in debate transgress the rules of the Convention, the President shall, or any delegate may, through the President, call him to order: the delegate so called to order shall immediately sit down, unless permitted to explain. The Convention shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the President shall be subscribed to; and if the case require it, the delegate so called to order shall be liable to the censure of the Convention.
10. No delegate shall speak more than twice to the same question, without leave of the Convention.

11. No delegate, when speaking, shall be interrupted, except by a call to order by the President, or by a delegate through the President, or by a member, to explain. Nor shall any delegate be referred to by name in debate, unless for a transgression of the rules of the Convention, and then by the President only.

12. A delegate presenting a petition or other paper to the Chair, shall state only the general purport of it. The name of every delegate presenting a petition or other paper, or making a motion, shall be entered on the journals.

13. No member shall be permitted to make a motion, or address the Speaker, unless such member shall be at his own desk.

Of Motions.

14. All motions made and seconded, shall be repeated by the President, who shall put the question distinctly in the following form, viz:

"As many as are of opinion, (as the question may be,) say Aye." And after the affirmative is expressed, "as many as are of a contrary opinion, say No."

But the President, or any delegate, may call for a division of the Convention, when the President shall again put the question distinctly, and in the following manner, viz: "As many as are in the affirmative will rise." And when he has announced the number in the affirmative, he shall put the opposite side of the question: "As many as are in the negative will rise."

15. If the President, or any two delegates require it, a motion made shall be written. It may be withdrawn by the mover and seconder before amendment or decision, and, if withdrawn, shall not appear on the journal.

16. Any delegate may call for the division of a question, which shall be divided, if it comprehends questions so distinct, that one being taken away, the rest may stand entire for the decision of the Convention. A motion to strike out and insert, shall be deemed indivisible. But a motion to strike out being lost, shall preclude neither amendment, nor a motion to strike out and insert. No motion can be received to postpone for the purpose of introducing a substitute.

Of Privileged Questions.

17. No business regularly before the Convention, shall be interrupted, except by a motion

For adjournment;
For the previous question, namely: "shall the main question be now put?"
For postponement;
For commitment;
Or for amendment.

18. A motion for adjournment shall always be in order, and shall be decided without debate, except that it shall not be received when the Convention is voting on another question, nor while a delegate is addressing the Convention.

A motion for the previous question shall preclude amendment and discussion of the original subject. But the previous question shall not be made by less than eighteen delegates rising for the purpose, and shall be decided without debate.

A motion for postponement shall preclude commitment. A motion for commitment shall preclude amendment or decision on the original subject.

19. No motion for reconsideration shall be permitted, unless made and seconded by members who were in the majority on the vote on the original question, and within six days, exclusive of Sundays, after the decision.

20. When a blank is to be filled, the question shall be first taken on the largest sum, greatest number, and remotest day.

21. In all cases of elections, a majority of the delegates present shall be necessary to a choice, and the voting shall be viva voce.

Every resolution to alter the rules of this Convention, or for information from the Executive or departments, shall lie on the table one day.

Of Committees.

22. Committees may be of three kinds, viz:

Committees of the Whole;
Standing Committees;
Select Committees.

Of Committee of the Whole.

23. The rules and proceedings observed in the Convention, shall be observed, as far as they are practicable, 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.

24. When the Convention resolves itself into a committee of the whole, the President shall appoint a chairman, unless otherwise ordered by the Convention.

25. Amendments made in committee of the whole, shall be read on the President's resuming the chair, and shall be entered on the journal.

26. When, in committee of the whole, any paper laid on the table of the Convention, may be called for by a delegate and read, unless the committee otherwise order.

27. No committee shall sit during the sitting of the Convention, without leave.

28. The following standing committees shall be appointed;

1. A committee on the 1st Article of the Constitution.
2. A committee on the 2d Article of the Constitution.
3. A committee on the 3d Article of the Constitution.
5. A committee on the 5th Article of the Constitution.
7. A committee on the 7th Article of the Constitution.
8. A committee on the 8th Article of the Constitution.
10. A committee on the subject of further amendments of the Constitution. Each committee to consist of nine members.
11. A committee of accounts to consist of five members.
And it shall be the duty of the said several committees to take into
consideration the said several articles, and the subjects, matters, and
things therein contained, and all resolutions touching the same re-
turned to them by the Convention, and to report thereon.
29. All articles of amendment proposed to the Constitution, shall
receive three several readings in the Convention, previously to their
passage, the first of which shall be in committee of the whole, and
the Convention shall ord the printing of the same for the use of the
members, as they shall think expedient.
30. When the names of the delegates shall be called, "it shall be
done in alphabetical order, except "Mr. President," who shall be
called last.
31. The yeas and nays of the delegates, on any question, shall, as
the desire of any two of them, be entered on the journals, and the
delegates shall have a right to insert the reasons of their votes on the
journals.
32. No delegate shall absent himself without first obtaining leave
of the Convention.
33. No delegate shall be permitted to vote on any question, unless
he be within the bar, and, when the yeas and nays are called, he be
present to answer to his name.
34. On the call of the yeas and nays, one of the secretaries shall
read the names of the delegates after they have been called, and no
delegate shall be permitted to change his vote, unless he at that time
declares that he voted under a mistake of the question.
35. On the call of a member for the consideration of a resolution,
or other subjects, on the table of the Convention, the question shall
be decided without debate.
36. None but the members of the Convention and its officers, and
such stenographers or reporters as shall have permission given them
by the President, shall be permitted to come within the bar of the
Convention during its session.
37. No rule shall be altered, or dispensed with, but by two-thirds
of the delegates present.
The first, second, third, and fourth rules, were agreed to without
opposition.
When the fifth rule, making it the duty of the President to appoint
the committees, unless otherwise ordered by the Convention, came
up,
Mr. STERIGERE, of Montgomery, moved to amend it, so as to
give the appointment of the standing committees to the Convention.
Mr. MEREDITH, of Philadelphia, said he regretted that the gen-
tleman from Montgomery had made this motion; and thus, at so early
a period of the session, introduced into the Convention a subject which
must, from its nature, create unpleasant debate, and fan the embers
of party strife. He had hoped that, after the organization of the
Convention, the delegates would have suffered party spirit to have
abated, and looked only to the great objects for which they had
assembled. The motion of the gentleman was an attack upon the
President of the Convention, as it showed that he would not trust him
with the usual powers to appoint the committees. The rule, as re-
ported by the committee, he hoped would not be altered. It was a
rule which had been observed in the government of both branches of
the Legislature of Pennsylvania, since the organization of the Com-
monwealth. Most of the members of the Convention had been mem-
ers of the Legislature, and were familiar with it; and he hoped that
the confusion incidental to the adoption of new rules would be avoided.
Mr. STERIGERE disclaimed any want of confidence in the integrity
of purpose of the President of the Convention. As the pur-
pose for which this body had assembled were of a high and important
character—as the usual legislative checks were here wanting—and
as the proper preparation of business for the session of the Convention
was of high moment—it had been deemed, by several delegates, the
most proper course for the Convention, in imitation of the highest
deliberative body in the world, the Senate of the United States, to elect
its own standing committees.
Mr. BANKS, of Mifflin, did not agree with his friend from Mont-
gomery, and he hoped he would withdraw his motion. He could see
no reason why the rules practised in the Legislature of this State
should be changed. For his part, he had great confidence in the pre-
siding officer; and he hoped that no vote would be taken to prejudice
him against the members in the appointment of the committees. The
subjects upon which the committees were to act, were too important
to the whole people to be submitted on party grounds.
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to the whole people to be submitted on party grounds.
Mr. CLARKE, of Indiana, said that he was sorry to differ from
his friend from Montgomery; but he really hoped he would withdraw
his motion, and permit the practice of the Pennsylvania Legislature,
giving to the presiding officer the appointment of the committees, to
prevail. Nothing could be gained by adopting a different course.
The gentleman from Montgomery had mentioned the Senate of the
United States as choosing their own committees: it was proper in
that body, as the presiding officer was not chosen by the Senate, but
by the people. In this Convention, we choose our own presiding
officer. There was another reason: the Senate of the United States
was a small body, composed of men whose talents and characters
were known to every member: in this Convention, the number is
large, and the great body of delegates unknown to each other. He
should, therefore, vote against the amendment.
Mr. INGERSOLL said he should vote against the amendment, but
from very different reasons from those advanced by other gentlemen
on this floor. He was exceedingly sorry that circumstances made it
necessary to advert to facts which reflected no honor on this Con-
vention, on the President, and on the character of the State. He al-
luded to that party discipline which had placed the President in the
chair. When the people of the States of Virginia, New York, and
Massachusetts undertook to revise their respective Constitutions, did
their delegates, assembled for that high purpose, elect their presiding
officers by a party vote? In Virginia, all parties united in calling Mr.
Madison to the chair. In New York, both political parties placed
the chief justice of the State in the chair; and in Massachusetts, ex-
President Adams was made the President of the Convention, without
dissenting voice. I am sorry, said Mr. Ingersoll, for the honor
and dignity of the Commonwealth, that you have not been permitted
to assume the duties of your office under similar circumstances. But
what are the facts? Not only you, but even the clerks, sergeant-at-
arms, and door-keepers, have been elected by a strict party vote.
Nearly a week has been consumed in the election of the subordinate officers, and the time of the Convention has been occupied with trifles: with an adherence to party discipline unparalleled, the majority of this Convention have given their votes for all officers, from the highest to the lowest. Sir, these being the facts, I shall vote against the amendment; for I had rather trust you, sir, than the majority that placed you in that chair. I regret excessively that these are facts, not for the honor of this Convention, its presiding officer, and the credit of the Commonwealth.

Mr. CHAMBERS, of Franklin, replied, that the gentleman who had just taken his seat seemed to have, all at once, a great abhorrence of party. This might he well for gentlemen whose hands were clean from pollution. But why has this change come over him? He is not free from his own charges. Has not that gentleman, on every occasion, given a strict party vote? In the very instance in which he complains, the election of a President, was he not found among those who would not suffer a President to be elected without opposition? The gentleman complains of the loss of time occupied in organizing the Convention, when he is again obnoxious to his own charge, having at no time voted for his own party candidates, and for adjournment, when that adjournment was only intended for delay. But if the election of officers has consumed so much time, what will be the effect of a vote to elect all the committees? Nothing but a delay of the business of the Convention, and the unnecessary fostering of party strife.

Mr. STEVENS, of Adams, said that the gentleman from the county of Philadelphia, had complained of the organization of the Convention, because the Delegates had chosen to vote for their friends, which the gentleman himself did not pretend to say, were not as well qualified as their opponents. With regard to parties, based upon principles, their support was the support of those principles. He believed that the party to which he had the honor to belong, was based upon the support of the Constitution and the Laws, and the great interests of freedom; and he considered that representatives elected by parties based upon those principles, who would desert them, little better than traitors. But the gentleman complains, that you were not permitted to take your seat as President of the Convention, without opposition, like Mr. Madison in the Convention of Virginia, and Mr. Adams in the Convention of Massachusetts. Who was the cause of this opposition but the gentleman and his friends? Did they vote for you? Did that gentleman, or a single member of his party, vote for a single candidate opposed to the party? Who made the motions, day after day, for additional Clerks, Sergeant-at-arms, and Door-keepers? Did these motions come from a majority of the Convention? A gentleman from Allegheny, one of his political friends, had deserted his party on the election of Sergeant-at-arms, and by this means elected the candidate of the gentleman from the county of Philadelphia. Could there be found any such soft place in the hearts of the gentleman or his friends? No: they voted in every instance for their own political friends. How ridiculous it is, then, for the gentleman to denounce the Convention for its party organization, when he has voted on party grounds, even for the very important officers who are to bring us our water!
CONVENTION PROCEEDINGS.

(Continued from Saturday.)

The question then being taken on agreeing to the motion of Mr. Sterigere, the vote was—aye s 5, nays 126.

So the amendment was lost; and the rule giving the appointment of the committee to the President was agreed to.

When the 16th rule was under consideration, which declares that if the mover withdraw a motion before a vote is taken upon it, or before any amendment is made to it, the motion shall not appear on the journal,

Mr. KEIM, of Berks, moved to strike out the words “shall not appear on the journal,” and insert “shall be expunged from the journal.”

Mr. STEVENS thought that it would answer the purpose, to have it read “black lines shall be drawn around it, and the word expunge be written across it.”

Mr. KEIM said that the committee had altered the rule of the House of Representatives. This amendment only went to restore it to its original phraseology. The word expunge was a more expressive word. It was well understood, and he did not see why it should be discarded, unless the majority had imbibed a hatred of the word from doings elsewhere. He thought the black line party were unnecessarily alarmed at the word.

Mr. BROWN, of Philadelphia county, thought that “expunge” was the proper word. If a debate should continue for a length of time, and the journals should be daily made up, a motion must be expunged, if it is not to appear on the journal.

Mr. DUNLOP would like to hear the opinion of the late President of the Senate, who was a member of the Convention.

Mr. CUNNINGHAM, of Mercer, said that the journals were not finished until the question was decided. The minutes of the clerk could be altered at any time before an adjournment, after which the rule did not apply.

Mr. STERIGERE said that expunge was the only proper word. Every motion must be recorded by the Secretaries in the journals—and was it proper to declare that a motion shall not appear there, unless the Secretaries were empowered to expunge it?

Mr. CLARKE, of Indiana, suggested that the rule be so altered, that no motion should be withdrawn after an adjournment.

Mr. MARTIN, of Philadelphia county, hoped that the amendment would prevail. Expunge was the most expressive word; and if it expressed the meaning better, it should be adopted. He would not object to the word “Morosanize,” if it expressed the meaning better.

The motion to substitute the word “expunge” was negatived—aye s 23, nays 105.

The Convention then adjourned to meet again at 4 o’clock.

SATURDAY AFTERNOON, May 6, 1837.

Mr. MEREDITH, of Philadelphia, offered the following, to be called rule

26. “Minutes of the proceedings of the Committee of the whole, and all other Committees, shall be kept and shall be subject to the disposal of the Convention.”

Mr. CLARKE, of Indiana, moved to expunge the motion of Mr. Meredith, by adding the following to the end, “and when in Committee of the whole, the yeas and nays may be called upon the demand of ten delegates.”

He said he was in favor of allowing the yeas and nays to be called and placed upon the minutes of the committee, for the purpose of printing them and appending them to the journal, because it would save time. If, after a full discussion in committee, a vote should be taken in committee, by yeas and nays, those who were out-voted would not think it necessary to renew the motions in Convention, for the purpose of showing on the journals their votes. It would prevent a second discussion of the same question, when that question was lost in committee.

Mr. PORTER, of Northampton, said he considered the proposition unnecessary, as any member had now the right to call the roll in committee of the whole. This was done in the celebrated Olmstead case, and he did not believe that it could be refused.

Mr. BANKS said that he thought it an unnecessary waste of time to call the yeas and nays in committee. The use of the committee of the whole was, to have a free discussion, where members could speak as many times as they wished, without being bound by rules. In the committee of the whole, gentlemen were sometimes called to the chair who did not understand the regulations of deliberative bodies. If the yeas and nays could be called, it was easy to perceive the perplexity and delay it would occasion. In the Convention, every question would come up, when every gentleman could record his vote.

Mr. DENNY opposed the calling of the yeas and nays in committee as unnecessary.

Mr. FULLER, of Fayette, said he was opposed to the amendment of the gentleman from Indiana, for this reason: In committee of the whole, it was designed to have an unreserved discussion of topics—to have the opinions of others—to give opinions; and, if con-
Mr. BELL, of Chester, wished to know whether the gentleman from Northampton was correct in supposing that the yeas and nays could be called in committee of the whole in the Legislature.

Mr. PORTER replied that several gentlemen of great legislative experience were in the House, and called upon Mr. M'Sherry, of Adams, and Mr. Mann, of Montgomery.

Mr. M'SHERRY said that he had never known the yeas and nays called in committee of the whole, except at one session some time about 1810.

Mr. MANN said he had never know the yeas and nays called in committee. The roll had sometimes been called, as in the Olmsted case; but members were not called upon to record their votes in committee.

Mr. CLARKE then modified his amendment, so as to require twenty members to call the yeas and nays in committee of the whole; when his amendment passed, and the rule of Mr. Meredith was agreed to.

Mr. INGERSOLL then moved to add to the twenty-ninth rule for the appointment of standing committees, the following divisions:
11. A committee on the subject of currency and finance.
12. A committee on the subject of corporations and privileges.
13. A committee on the subject of internal improvement, highways, and the eminent domain of the State.

He said that the committees which had been already authorized by this rule, were proper enough; but there were other subjects, which had grown up since the adoption of the Constitution, which were highly important. Among these, was the subject of the currency, as now controlled; and, also, that of corporations, which was connected with it. The subject of internal improvement was one of vast importance, and which was almost unknown at the formation of the Constitution.

Mr. CHAMBERS, of Franklin, said that the committees that had been authorized, covered the whole ground: they were authorized to take into consideration every thing connected with the Constitution. The committee on the article relative to legislative powers, could take up the subject of the currency; and, as the subject of corporations was connected with the currency and with finance, it was unnecessary to have a separate committee on these subjects. The erection of two committees upon the same subject, might injure the symmetry of the Constitution as a whole.

Mr. FORWARD, of Allegheny, said that the subject of corporations and privileges would come before one of the committees now authorized to consider and report on one of the articles of the Constitution; so, also, the subject of currency, which was connected with corporations, would come before the same committee. As it respects the subject of internal improvement, highways, and the eminent domain of the State, it was an important one, and one which it would give him pleasure to see committed to a standing committee.

Mr. STEVENSON, of Adams, said he agreed perfectly with the gen-

Mr. INGERSOLL said that the corporations meant by the article in the Constitution, were for the furtherance of science, and other objects, to benefit the people at large. Those corporations that now regulate the currency, created for private speculation, were little known at the time the Constitution was framed. The currency was the life blood of the community; and, in forming a new Constitution, it was proper, at least, to consider whether the rights and interests of the people should be further guarded. At this moment, the currency is deranged; the whole Atlantic coast is convulsed; the highways are thronged with emigrants to the West, in consequence of being thrown out of employment in the East. He would not state the causes—the effects were seen. It was true, as had been said, that corporations regulated the currency; and it was certainly important for this Convention to inquire whether the Legislature should not be checked in creating them. Upon looking into the laws of the session of the Legislature before the last, he saw that two-thirds of the acts passed related to corporations. He called for the yeas and nays.

Mr. STEVENSON, of Montgomery, said he was sorry that the gentleman from Philadelphia county had not brought forward his resolutions, relative to the several committees, entire. He considered the division of nine committees, on the nine articles of the Constitution, as neither proper nor natural. One article of the Constitution related to qualifications of officers by oath or affirmation, upon which no committee was needed.

Mr. INGERSOLL said that, from the great weight of character of the gentleman from Allegheny, and his position in the Convention, he was frightened at his remarks in opposition to his proposition. Upon reflection, he believed that no serious opposition would be made, and he therefore withdrew the call for the yeas and nays.

Mr. DICKEY, of Beaver, said that he considered the division of the committees, as reported by the committee on rules, both proper and natural. They occupied the whole ground, without taking in what was foreign to every Constitution. The subject of corporations and internal improvements, were not new subjects: they were authorized by, and had been created under the Constitution, and under articles of the Constitution which had been adopted by our fathers. No more natural or proper division could be made than had been made by the committee—a reference of each article of the Constitution to a standing committee of the Convention.

Mr. PORTER, of Northampton, said that, as one of the committees on rules, he was in favor of a standing committee on each of the articles of the Constitution. But while he agreed to this division, he thought two committees might be appointed on some of the articles. So much of the article as related to corporations for the promotion of science &c. might be referred to one committee, and the subject of banks to another. In England, it was contended by Sir James Macintosh, that the grants to corporations increased the liberties of the people, by wresting power from the Crown. In this country, the sovereignty resided in the people themselves, and consequently every grant to a corporation was taken from the people, and given to the corporators.
Mr. Ingersoll, on the subject of the division on the articles of the Constitution, said that the division on the articles of the Constitution was both proper and natural. Are not the subjects which he wishes to have referred to separate standing committees, embraced in the articles of the Constitution? Will not the committee on Legislative power have full authority to inquire into the expediency of restricting the Legislature on the subject of public loans? Will not the same committee have power to limit the grants to corporations, and to restrict the Legislature in its action on this subject? If the gentleman wishes to make a report on any of these subjects, let him move at the proper time for a special committee, and he will then have the opportunity of making a report to the Convention, if he chooses, for the abrogation of contracts. He may even lay violent hands upon the "Horned Monster" himself. But the appointment of a standing committee on these subjects would seem to say, that the Convention believed that corporate privileges had been improvidently, if not unconstitutionally, granted by the Legislature. He knew that it had become fashionable at the present day, to make a great noise about corporations, when it suited the purposes of certain politicians. The appointment of a standing committee on the subject would, in effect, say to the people, that something was wrong in this matter—that the rights of the people had been given to corporations. He would not say so, for he did not believe it. So the subject of internal improvements and highways would be appropriately referred to the committee appointed on the article defining the powers of the Legislature. As it respects "eminent domain of the State," he was not so learned as the gentleman from Philadelphia county, and therefore he did not know the object of the committee. Was it intended by the gentleman that the Convention should resume all the charters for real estate, and the letters patent? Or was it intended to frame a Constitution, giving these powers to the Legislature? He considered the committees entirely unnecessary, and should therefore vote against them.

Mr. Earle, of Philadelphia county, said that the gentleman from Adams had in view, probably, the Constitution of the United States, and not the Constitution of Pennsylvania, when he referred to the article limiting the powers of the Legislature. The Legislature of Pennsylvania was almost unlimited. The question of corporations could not be avoided. There were gentlemen who would be heard on the subject. Was it not best to have it brought before the Convention by a regular committee? He believed that it was, and he should therefore vote for the motion.

Mr. Woodward, of Luzerne, said he should vote for the amendment, and then vote against the whole report. He was in favor of one grand committee to form an entire Constitution, to be submitted to the Convention. The great number of committees which the report contemplated, would create delay and embarrassment. Each would make report, and would occupy too much ground. By this plan, too many amendments would be made: we should do too much, and therefore prevent an acceptance of the amended Constitution by the people. There was also another objection. The several committees might make dissimilar reports, and present to the Convention a Constitution which would not agree with itself.

Mr. Doran, of Philadelphia county, and Mr. Curll, of Armstrong, each addressed the Convention in favor of the proposition of Mr. Ingersoll. The vote being taken, the proposition of Mr. Ingersoll was agreed to.

Mr. Stevens then moved that a standing committee be appointed on the subject of public loans and the State debt. He said that this subject was more important than either of those which had been deemed worthy of receiving the attention of a standing committee. The question was beginning to be asked by the people, whether there should not be some constitutional limit to the State debt. For his part, he thought there should be.

Mr. Cox, of Somerset, thought that the time had come when some constitutional limit should be set to the power of the Legislature to burden posterity with a State debt. The unexampled accumulation of a State debt within a few years past, had, no doubt, its influence upon the people, when they voted for a Convention to alter their Constitution. If any thing was wanting to convince any one of the necessity of some limit to legislative power in the creation of public burdens, the proceedings of the last Legislature were amply sufficient.

Mr. Brown, of Philadelphia county, said he should vote against the proposition of the gentleman from Adams, in order to save him from the effect of his own arguments. He thought it a pity to spoil his arguments against the proposition of his colleague. If the gentleman would bring forward a proposition for a committee on secret societies, he would vote for it.

Mr. Stevens said that he would soon gratify the gentleman. The motion for a standing committee on public loans and State debt was then agreed to.

Mr. Stevens then moved that a standing committee be appointed on the subject of secret societies. He said that he hoped that such a committee would be appointed. The operation of secret societies had engrossed the public mind to a great extent, both in this country and in Europe. In the State of Pennsylvania, with the exception of Philadelphia, there was no subject upon which the people felt a deeper interest. At an election for chief magistrate, more than 80,000 had made it a question at the polls. In Europe, too, the question was beginning to be agitated. The celebrated O'Connell had lately delivered a powerful speech on the subject before the people of Ireland. It was a question which he should bring before the Convention, and he thought that it had better be done by a regular committee.

Mr. Doran moved to amend the motion of Mr. Stevens, by making it read "a committee to report on the rise and progress of antismasonry."

Mr. Porter, of Northampton, remarked that he thought the time had gone by when subjects of this kind would find their way into bodies like this. For the last few years, no one could open an antismasonic newspaper, or listen in an antismasonic speech, but he would find the same statements of what the Emperor of Russia, Daniel O'Connell, or the King of Spain, were doing against the poor free masons. It reminded him of the fiddler, who, when asked to play any tune, no matter what, always ended with "Dick bang the weaver." It seems that, in this Convention, we have had "Dick bang the weaver" again.
Mr. CHANDLER, of the city, said: I rise, Mr. President, to express a hope that the gentleman from the county (Mr. Doran) will withdraw his motion; and the gentleman from Adams (Mr. Stevens) will also see the propriety of not pressing his upon the Convention. Whatever views of policy may be deemed expedient in the organization of a party, or in the prosecution of a general canvass, it seems to me, sir, that here at least we should adopt the spirit of the wise man's recommendation, and answer not an improper proposition according to its impropriety. The duties of the members of this Convention are solemn, and of high import; and it would be offering violence to the views, if not an insult to the feelings of our constituents, to make this room the arena of party squabbles, or of personal recriminations.

I should be unwilling to make any committee of this body, much less the Convention itself, the historians of such matters as the resolution of the gentleman from the county proposes for consideration. And as for the matter of secret societies, I appeal to my friend from Adams, whether we, as co-partizanes, were not sufficiently rebuked by the last October elections, for a public interference in such concerns.

The gentleman from Adams talks of these societies having been driven from Europe. I can know, sir, of course, nothing of secret societies. I have, indeed, heard that one society was once broken up in Europe; but I have heard also, that it is revived there, and introduced here. As that, perhaps, may come under the distinction of secret society, it may be well to ask from the other delegate from Adams, as well as my friend from the county, who moved the last resolution, whether they will not find what is nearest in their views of religious freedom strangely violated, when the Constitution of Pennsylvania shall be made to deny existence to a society established to disseminate science by peaceable means, and in connexion with that religion which they both profess?

I have no wish to limit the proper action of this body; but I solemnly protest against the introduction of matters totally irrelevant to its objects, and derogatory to the dignity with which the people and the Legislature of the State have clothed it. And I ask, sir, whether the course now pursued is such as will commend our deliberations to our constituents, or, if the solemn duties devolved upon us are not sufficient to confine our action to proper subjects, it would be better for us, and more edifying to the people, that we should adjourn at once, than to present the spectacle of passionate discussions of subjects forced upon us by party discipline, or for the gratification of personal feeling. Let us rather adjourn immediately, and say to our constituents, that, being unable to perform any good work for which we were elected, we had the honesty at least to abstain from the performance of positive evil, and the exhibition of bad examples.

Before any vote was taken, the Convention adjourned.

MONDAY, May 8, 1831.

The Convention was opened with prayer, by the Rev. Mr.—of the Methodist Church.

On motion of Mr. CHAMBERS, the orders of the day were postponed for the purpose of proceeding to the report of the committee on rules.

Mr. CLARKE, of Indiana, moved to postpone the consideration of the 29th rule, relative to Committees, for the present. He said that the more he had reflected upon the subject, he was convinced that a reference of each article of the Constitution to a separate standing committee, would not be the best mode. He doubted whether any time would be saved, or greater order and regularity be observed, in bringing the amended articles, by committees, before the Convention. Some of these small committees might be too radical in their views to suit the majority of the Convention, while others might be too conservative. The consequence would be, that the reported Constitution would be an indigestible compilation of contradictory principles, which would serve only to retard the action of the Convention. He thought that the best plan was to commit the old Constitution to the committee of the whole, and there consider article by article. In this way, after a discussion, the sense of the Convention would become known. We could then have a bird's eye view of the whole matter, and could be better able afterwards to put the Constitution into form. This was the way the Convention of 1790 proceeded. The Convention met on the 24th of November, 1789, and after consuming eight days in organizing and preparing for business, went into the committee of the whole on the 1st of December. On the 9th, the committee of the whole reported to the Convention. On the 11th, a committee of nine was appointed to put the Constitution into form. On the 21st December, the committee of nine reported in part. On the 23d of December, the committee of nine made its additional report. On the same day, the Convention went into committee of the whole again on the Constitution as reported by the committee of nine. On the 5th of February, 1790, the committee of the whole made another report. On the 18th of February, it was referred to a committee of three, to form a Constitution. On the 24th of February, the committee of three made a partial report, and on the 26th the remainder, when the Convention adjourned to meet on the 9th day of August. The Convention met on the 9th of August, and discussed the Constitution until the 2d of September, when it was adopted—and the Convention adjourned.

This was the plan adopted by those who formed the present Constitution; and, with the exception of not referring it to the people, it was, in his opinion, the best plan. Let us take up the Constitution as it is, and consider it article by article. Every delegate could then give his views, and the sentiments of the whole Convention could be ascertained. But let the separate committees now contemplated go out, and when they come back with their contradictory reports, we shall be less prepared to form a Constitution.

The 29th rule was then postponed, and the Convention proceeded to the consideration of the others.

The 30th and 31st rules then passed.

The 32d rule being under consideration, which makes it imperative to call the yeas and nays when demanded by two delegates, Mr. STEVENS moved to strike out "two," and insert "twenty."

Mr. REIGART, of Lancaster, said that before we should vote for
such a departure from the rules which have been used in the Legislature of this State, he hoped the gentleman from Montgomery would give some reasons. To deprive a small number of the representatives of the people from placing their names upon the journals, some very important considerations ought to be gained. For his part, he was opposed to making a greater number than two necessary for a call of the yeas and nays. Such an extraordinary departure from the rules that have been so long used without inconvenience in the Legislature, seemed to him not only to be unnecessary, but might be prejudicial to the rights of delegates.

Mr. PORTER, of Northampton, said that the committee who reported these rules, thought that the calling of the yeas and nays was a matter of right which could not be taken from the representatives of the people of Pennsylvania. The unnecessary repetition of the call ought, perhaps, to be checked. Sometimes gentlemen in the heat of debate called for the yeas and nays, when, if they had time for reflection, they would not do it. Make the number necessary to sustain the call eight or ten, so that there might be some check, and it would be all that was necessary. It should be recollected that every time the call was made, it added something to the expense of printing the Journal. Such a rule as would be a check upon the calling of the yeas and nays upon every trivial question, and at the same time allow every delegate to show to his constituents in what manner he had discharged his duties, ought to be adopted.

Mr. MERRILL, of Union, suggested that the rule be amended, by making six members necessary to sustain a call for the yeas and nays. The minority had its rights, and there were some questions which might arise, when less than twenty delegates ought to have it in their power to record their names upon the journals. An unnecessary repetition of the call for the yeas and nays might be checked, if it could be so, without abridging an important privilege.

Mr. STERIGERE said that it required one-fifth to sustain the call for the yeas and nays in the Congress of the United States. If a question was so unimportant that twenty members could not be found to desire the yeas and nays, the time of the Convention ought not to be consumed in calling them. Sometimes gentlemen were more desirous of having the names of others recorded than their own.

Mr. COX, of Somerset, said that it struck him that in order to sustain a call for the yeas and nays, it ought not to require so large a number as twenty. Independent of the right of delegates to place their names upon the journals to show to the people how they have voted, he thought that no time would be gained. If, to sustain the call, the same course was adopted as is pursued upon calling the previous question, nineteen delegates would be obliged to rise, and have their names recorded, and the time consumed would be greater than would be found necessary to call the yeas and nays. During the time of the discussion of the rules, the yeas and nays had been called by the gentleman from Montgomery, himself, when a much less number than twenty voted in the negative. No longer ago than yesterday, the gentleman found himself in a minority of five. He would suggest to this gentleman the number six instead of twenty, and even his number would have deprived the gentleman yesterday from taking the call he did.

Mr. MEREDITH said he was opposed to any change in the rules in this particular, from those of the Legislature of Pennsylvania. He had seen questions taken by yeas and nays in the Legislature, when only one vote was given in the negative, and it was considered the high privilege of a representative of a free state thus to record his opinions.

Mr. DARLINGTON, of Chester, said that the right of the representatives of the people, to call the yeas and nays, did not depend upon the adoption of any particular rules, but was guaranteed by the Constitution of Pennsylvania. In this Convention, there were men who had religious scruples upon some questions, which would undoubtedly arise, and however small the minority might be, in which they might find themselves, they would claim it as a constitutional right to place their names upon the journals, to show to their constituents that they faithfully represented them. That article of the Constitution which gives the right to any two members of the Legislature to call the yeas and nays, undoubtedly extends to the members of this Convention.

Mr. INGERSOLL said he was opposed to making the number greater, and thereby abridging the privileges of members. One respectable gentleman, who sat near him, had, since the meeting of the Convention, asked to be excused from voting, on account of religious scruples. These scruples, he thought, ought to be respected, whether they compelled men to be excused from voting, or to record their opinions upon the journals. Instead of abridging the privilege of delegates of showing to the world what part they act upon important questions, he would rather extend it.

In the Convention for altering the Constitution of Virginia, on one question, Mr. Madison stood alone.

The question was then taken on reducing the number required to call the yeas and nays, and lost—when the rule of the Legislature was adopted.

The 35th rule, which declares that "no delegate shall be permitted to change his vote, unless he at that time declares he voted under a mistake of the question," being under consideration,

Mr. STERIGERE moved to strike out the words "unless he at the time declares he voted under a mistake of the question."

Mr. DUNLOP, of Franklin, wished to know if the amendment of the gentleman would make the time unlimited when a member could change his vote. He thought at least some limit should be made. In Pittsburgh, he believed the democratic rule was, that a man should not change under sixty days. He hoped the amendment would not prevail.

Mr. FORWARD thought the rule, as it stood, was calculated to make men reflect before they voted. No delegate who did not understand the question, was obliged to vote; but if he voted, he should not be allowed to change, unless he had voted in mistake.

Mr. STEVENS was not in favor of changing the rule of the House of Representatives. It would have no good effect upon the order of this body. If the gentleman's amendment is carried, it would open the door for management; it would hold out inducements for party men to operate upon others, and to tamper with the integrity of those who could be influenced. After a question had been solemnly deci-
issued by votes, given upon deliberate reflection, exertions would be used to change the result; and, if successful, it would be productive of great disorder and confusion.

Mr. STERIGERE was opposed to this part of the rule. There was no good reason why a member should not be allowed to change his vote, if, from any cause, before the result was announced, he had changed his opinion, or desired to have his name recorded differently from what he had previously hastily determined—otherwise his vote would go to the public expressing an opinion, a judgment different from that entertained by him when his vote is recorded. Those who were so anxious to have all our votes recorded, must surely be in favor of having them truly recorded. There is no reason why this right to change a vote should depend on the member declaring he had voted under a mistake.

It is degrading to require any such declaration. As to the argument, that, under excitements and for party purposes, members would vote on a venture, and then change their vote to effect an improper object, it was a sufficient answer to say, this rule could not prevent such a course, if any member desired to do so. The high character of the members of this body forbid the idea that any one would disgrace himself by such conduct: with the existence of a similar rule, in the House of Representatives, we must take the practice under it. We know many instances in which it had been violated, by making the declaration required, when in fact no mistake had been made. A member may also effect the very purpose this is intended to prevent, by stepping into a committee room, when his name is about to be called, and by not then voting, and then going to the Secretaries' table and ascertaining the result, and have his name called, and vote as circumstances or the state of the vote may require. This provision cannot procreate the evil complained of, and it is much better to have no such resolution than to have our rules constantly evaded or violated.

Mr. DORAN, of Philadelphia county, said he Government be admitted within the bar of the Convention; but he wished, honorable men, chosen by their fellow citizens on account of their worth and talents, to perform a most important labor—that of remodelling the Constitution of this great Commonwealth, for the government of them and their posterity. To suppose that individuals of such standing and character would resort to low tricks and management—that they would finesse and equivocate—that they would at one moment vote for a measure, and immediately afterwards, from some paltry and improper motive, fly from that vote and vote differently, was to suppose what could never take place in a public assembly, composed of such members as the Convention. Why not, then, allow every member the right to modify or change his vote as he pleases, up to the time of the votes being announced by the Chairmen? A variety of circumstances can readily be imagined, which would justify a member in changing his vote. This is a deliberative body, a body of reason and reflection; but the gentleman from Adams would make it a body of impulse of passion and feeling, void of reflection. We ought, therefore, to give to every member entire freedom of thought and action—if he errs, the error is his own, for which he must answer to the people, and especially to his constituents; certainly not to the Convention. Proscription, intolerance, or inquisitorial proceedings, are not suited to the temper of this house; and it was but the other day, when the house indignantly frowned down an attempt that was made to exclude a member of this Convention (Mr. Mann, of Montgomery county,) from voting, who, happened, through necessity, to be absent when his name was called by the Secretary. This case proves the liberal tone of the Convention in the right of voting, and should have deterred the gentleman from Adams from pressing his intolerant views upon them. No freeman could sanction such views, or wish to see them carried into execution.

Mr. PORTER, of Northampton. said one word would set this matter right. This rule was adopted by the Legislature at an early period. It did not hinder a gentleman who voted by mistake, from changing his vote. It expressly gave him power to rectify the mistake. It was adopted to discourage versatility, and to make men reflect upon the subjects before them. When the yeas and nays were called, it was taken for granted that discussion had ceased, and members had made up their opinions.

After some conversation between Messrs. Forward, Merrill, Cox, and Sterigere.

Mr. STERIGERE modified his amendment by striking out "unless he at the time declared that he voted under a mistake of the question," and inserting "unless he does so before the President has announced the result."

Mr. STEVENS then moved to amend the amendment, by adding the following to come in at the end: "nor then, unless he declares at the time, that he voted under a mistake of the question." This motion to amend was carried by a vote of 52 to 40.

The amendment was lost, and the rule, as reported, was agreed to. Mr. HEISTER moved that the Governor and heads of department of the State Government be admitted within the bar of the Convention, but subsequently withdrew the motion—when

Mr. BROWN, of Philadelphia county, moved to amend it by striking out the words "altered or."

Mr. EARLE hoped the motion would be agreed to. If a majority could make rules for the government of the Convention, and these rules should be found to be inconsistent, why should it require two-thirds to alter it? It seemed to be unreasonable, and contrary to the spirit of freedom.

The amendment to strike out was agreed to.

Mr. MEREDITH offered the following as a new rule, which was adopted:

"The roll shall be called at any time upon the demand of any two members: a majority of the Convention shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members."
Mr. BROWN, of the county of Philadelphia, said, out of this Convention, no man in the Commonwealth would bow with greater deference to the opinions of the talented gentlemen of this Convention than himself. But, said he, let me tell the gentleman from Beaver, that whatever may be the splendor of the talents of any gentleman here—however eminent his abilities, or elevated his character may be, the moment he enters that door, as a member of this Convention, he sinks at that moment into the humble representative of a portion of the freemen of this Commonwealth. And, sir, there is no member here who, however few may be his talents, however lowly his situation, the moment he takes his seat here as a delegate of this Convention, he rises, at that moment, to the high and dignified station of a representative of the freemen of this Commonwealth. All here are equal; all are the representatives of the people of Pennsylvania. No gentleman comes here, as the gentleman from Beaver asserts, to present his own crude notions. Each member is here to present, for the consideration of the whole, those amendments that those he represents desire—not his own crude notions, but the matured judgment of his constituents; and, sir, when those opinions are presented here, in his own plain, unvarnished language, they are entitled to the same consideration as any report that may be presented from any committee of the most talented gentlemen of the Convention. For one, Mr. B., had come here to lay before the Convention the wishes and well-considered orders of his constituents on the amendments they desire to have made in the Constitution, and they should be fully and fairly presented: and no report, no matter how talented might be those who made it, should prevent him from urging their adoption. No committee, said Mr. B., could report his views; for as yet he had not had an opportunity of making them known. It would be time enough to raise committees when the sentiments of members from different parts of the State had been expressed. Then committees could report such amendments as might be expected to meet the approbation of the Convention. We have, said he, already before us, in the Constitution itself, the best report that can be given us; and we are but a committee ourselves, sent by the people to propose amendments for their consideration. Let us, therefore, proceed at once to the matter entrusted to us; for every gentleman may be assured, that to this expedition must it come at last. And all the talented gentlemen in the Convention, how learned soever may be their reports, will not and cannot prevent a full and free discussion of the whole subject.

Mr. STERIGERE was in favor of a number of committees, and even a greater number than proposed by the gentleman from Beaver. It was necessary for committees to embody the ideas in the best language. This could not be done by amendments in committee of the whole.

Mr. PORTER, of Northampton, remarked, that as he had offered the resolution, it might be expected of him to state his reasons for so doing. It was very desirable to have the opinions of the members on amendments, were they necessary. If the subject was referred to the committee of the whole, each member could express his views as the provisions were taken up in order, and an expression of opinion would be elicited as to what changes the majority desired. It had been objected that, thus, the crude ideas of gentlemen would be brought for-
ward without system and without order; and that it was best, first, to have the several subjects elaborated in committee, and the result laid before the Convention in the shape of reports. For his part, he thought that the project of going into committee of the whole, first, was preferable, that the opinion of all might be known, and then a committee or committees would (if necessary) embody the sentiments adopted by the majority, and put them into the appropriate form. That as much order and method would be thus observed, as in any other course, and a serious difficulty avoided. If the articles were separately referred to different committees, it would very probably occur, that gentlemen holding certain opinions on one article of the Constitution, might be unable to bring them before the appropriate committee, from the fact of being placed on a different one. That the freedom of debate permitted in the committee of the whole, was more calculated to elicit the talents of the house; that all could hear and decide for themselves.

Before the vote was taken, the Convention adjourned.

From information derived from a very creditable source last evening, we are inclined to the impression that our Reporters missed a very important motion, made yesterday by Mr. Chambers, of Franklin.

The motion was as follows:

The 26th rule being under consideration, Mr. C. moved to postpone it, for the purpose of introducing a rule compelling delegates present to vote when their names were called, unless, for special reason, they should be excused from voting by the Convention.

On this considerable debate arose; but we have been unable to procure any other than a sketch of Mr. Sterigere's remarks: they are as follow:

Mr. STERIGERE said he was opposed to the amendment—he was opposed to the principle of gag laws and all rules, either to prevent members from voting, or to compel them to vote against their will at the command of any majority. A rule like the one proposed had long-time existed in the House of Representatives of the United States; but with the authority to enforce it there, which does not exist here, there was no instance of its being carried into effect. It is not long since an effort was made to enforce it upon one of the most distinguished men in the nation, who refused to vote when his name was called. He resisted, and successfully resisted, this attempt. Mr. S. hoped there was no man in this body who would submit to such a rule. No such rule existed in the House of Representatives of this State, which rules the committee, we have been informed, had adhered to in drafting regulations for this Convention. To every alteration proposed, it had been objected that our rules should be, as nearly as possible, like the rules of the House, as they were familiarly known and their construction well settled. Then, why does one of the members of the committee wish this important innovation upon the reputations of the legislative bodies of this Commonwealth? In this State, there has been no attempt to force a member to vote against his will. If our Legislature has gotten along so many years without such a rule, surely we may dispense with it for the short period we are to remain here. It will not be submitted to, and ought not to be adopted. It should also be remembered this has not the recommendation of the committee who reported the other rules, but comes from only a single member of the committee. He hoped it would not be adopted.

The yeas and nays were called for by Mr. Sterigere and Mr. Eare, and were yeas 50, nays 73.

CONSTITUTION OF PENNSYLVANIA

As ratified in Convention the 2d day of September, 1790.

We, the people of the Commonwealth of Pennsylvania, ordain and establish this Constitution for its government.

ARTICLE I.

1. The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

2. The representatives shall be chosen annually, by the citizens of the city of Philadelphia, and of each county respectively, on the second Tuesday of October.

3. No person shall be a representative who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the State three years next preceding the election, and the last year thereof an inhabitant of the city or county in which he shall be chosen, unless he shall have been absent on the public business of the United States, or of this State. No person residing within any city, town, or borough, which shall be entitled to a separate representation, shall be elected a member for any county; nor shall any person residing without the limits of any such city, town, or borough, be elected a member thereof.

4. Within three years after the first meeting of the General Assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the city of Philadelphia and the several counties, according to the number of taxable inhabitants in each, and shall never be less than sixty, nor greater than one hundred. Each county shall have at least one representative; but no county, hereafter created, shall be entitled to a separate representation, until a sufficient number of taxable inhabitants shall be contained within it to entitle them to one representative, agreeable to the ratio which shall then be established.

5. The senators shall be chosen for four years, by the citizens of Philadelphia and of the several counties, at the same time, in the same manner, and at the same places where they shall vote for representatives.

6. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the Legislature, and apportioned among the districts formed as hereinafter directed, according to the number of taxable inhabitants in each; and shall never be less than one-fourth, nor greater than one-third of the number of representatives.

7. The senators shall be chosen in districts, to be formed by the Legislature; each district containing such a number of taxable inhabitants as shall be entitled to elect not more than four senators. When a district shall be composed of two or more counties, they shall be adjoining. Neither the city of Philadelphia nor any county shall be divided in forming a district.
The following named individuals compose the committee authorized to be appointed to report rules for the government of the Convention.

Messrs. CHAMBERS, DICKEY, MEREDITH, PORTER, of Northampton, BANKS.

The following gentlemen compose the committee appointed to examine and report what books are necessary for the use of the delegates of the Convention.

Messrs. BROWN, CLARKE, of Dauphin, M'DOWELL, EARLE, REIGART.

**CONVENTION PROCEEDINGS.**

**TUESDAY, May 9, 1837.**

The Convention was opened with prayer by the Rev. Mr. Winebrenner.

The Journal of the Convention having been read,

Mr. FULLER, of Fayette, offered the following resolution:

Resolved, That when this Convention adjourns, it will adjourn to meet to-morrow morning at 9 o'clock, and that that be the standing hour of adjournment, until otherwise ordered.

Mr. PURVIANCE, of Butler, offered the following resolution, which was laid on the table:

Resolved, That this Convention will, on Monday next, and during the sitting of the Convention hereafter, meet at 9 o'clock A. M. and adjourn at 12, and meet again in the afternoon at 4, and adjourn at 6.

Mr. GREMELS offered the following resolution, which was laid on the table:

Resolved, That the standing hour of meeting of this Convention, be 9 o'clock A. M. on each and every day, Sundays excepted, until otherwise ordered by the Convention.

Mr. EARLE offered the following resolution, which was laid on the table:

Resolved, That this Convention will hold an afternoon session on each day, Sundays excepted, commencing at 4 o'clock, except when otherwise expressly determined by the Convention.

Mr. BANKS offered the following resolution:

Resolved, That the Secretary of the Commonwealth be requested to furnish the Convention with a statement or table, of the number of taxable inhabitants in the respective wards of the several cities, and the respective boroughs and townships of the several counties in the State, according to the enumeration made in 1835 and '36.

Mr. BROWN, of Philadelphia county, offered the following resolution, which was laid on the table:

Resolved, That the Secretaries have minted, for the use of the members of the Convention, a tabular statement, showing the number and official names of all the officers, whose office is established by each of the Constitutions of the States of the Union, by whom appointed or elected—official tenure—salary, &c.—also the official names, tenure, salary &c., of all officers, whose office has been established by the laws of this State.

On motion of Mr. FULLER, the resolution of this morning, relative to adjournment, was taken up, when

Mr. HEISTER, of Lancaster, moved to strike out all except the word “Resolved,” and insert “that this Convention will take a recess from 1 to 3 o'clock P. M., daily.”

After some debate between Messrs. Heister, Fuller, Bell, Earle, Stierigere and Martin, the resolution and amendment were postponed for the present.

On motion of Mr. DILLINGER, the Convention proceeded to the second reading and consideration of the resolution, ordering the same number of copies of the journals and debates of the Convention, to be printed and distributed, as are annually printed and distributed of the journals of the House of Representatives.

Mr. FLEMING, of Lycoming, moved to strike out “the usual number” and insert “three thousand.”

Mr. STEVENS wished to know, whether it was the design of the mover, to have the whole three thousand bound. It would incur a very considerable expense, if they were to be printed on good paper, and the whole number bound. If three thousand copies were ordered to be printed, twelve hundred, which was the usual number printed by the House of Representatives, would be sufficient to be distri-
buted in the usual manner, and placed in the archives of the State. Not one of these twelve hundred would come to the members of the Convention—they were intended for another purpose. It was better to have the other copies that were ordered, not bound—but delivered in sheets as they were printed, for distribution among the people.

Mr. REIGART thought that the number of three thousand was too large. As the number of the Convention was greater than the House of Representatives, it might be proper to have a greater number than twelve hundred. He would, therefore, move to amend the motion, by striking out "three thousand" and inserting "fifteen hundred."

Mr. FLEMING said, it was not his intention to have the whole number bound. He believed that the people would be desirous of getting the proceedings and debates of the Convention. Twelve hundred was not sufficient for the people of this great Commonwealth. It was also important, that the people should have a knowledge of what was doing in Convention, during its sitting, in order that the delegates might consult their constituents. A less number than three thousand, would be insufficient for distribution.

Mr. DUNLOP said, that twelve hundred was a number that could not be divided by the number of delegates. Thirteen hundred and thirty was a better number.

Mr. FLEMING modified his motion, so as to make the number to be bound, thirteen hundred and thirty, and the remainder to be delivered in sheets.

Mr. PORTER, of Northampton, moved to refer the resolution of Mr. Fleming, together with the amendment of Mr. Reigart, to a committee, to consider and report on the subject; which, after some remarks by Messrs. Porter, Merrill, Sterigere and Bell, was agreed to.

Mr. BROWN, of Philadelphia county, from the committee on the subject of purchasing books for the use of the Convention, reported the following resolution:

Resolved, That one hundred and thirty-three copies of the Constitution of the United States, and of the several States of the Union, and one hundred and thirty-three copies of a book called the Conventions of Pennsylvania, be purchased.

Mr. PORTER, of Northampton, offered the following resolution, which was referred to the committee on printing:

Resolved, That the Secretaries be directed to pay, as part of the contingent expenses of this Convention, the expense of two thousand and seven hundred copies of the Daily Chronicle and Convention Journal, during the sitting of this body; and to be divided among the members, for distribution among their constituents.

Mr. STERIGERE offered the following, which was laid upon the table:

Ordered, That the journals of the Convention, and of the committee of the whole, be printed on good paper, in royal octavo form, with long primer type—the yeas and nays to be inserted in solid paragraphs.

Ordered, That a number of copies of the English Debates corresponding with that of the English Journal, and a number of copies of the German Debates corresponding with that of the German Journal, be printed on good paper, in royal octavo form, with brevier type.

Ordered, That two hundred shall be considered the usual number of copies of any paper directed to be printed by the Convention. The Convention then proceeded to the consideration of the amendment offered by Mr. Dickey, of Beaver, relative to the reference of each article of the Constitution to committees of nine.

Mr. STEVENS then moved to amend the amendment, by adding: "and that the said committees shall report the said articles, with or without amendment, and without any other report."

Mr. STERIGERE moved to postpone the resolution, together with the amendments, for the purpose of proceeding to the consideration of the rules of the Convention.

Mr. PURVIANCE hoped the amendment of the gentleman from Beaver might not prevail, and that the Convention would resolve itself in a committee of the whole, and receive from gentlemen such propositions as they should think proper to submit, without being restricted to any particular order or system. This course, he believed, would facilitate the business of the Convention, and would avoid the unnecessary consumption of time. In the Convention of 1789 and '90, one of the earliest propositions made and agreed upon, was the adoption of a resolution similar to the one proposed by the gentleman from Northampton, to which the amendment under consideration is proposed to be made. In that body there was, doubtless, much discussion on the adoption of the resolution, and that was settled as the best and most practicable mode of facilitating the business of the Convention. In committee of the whole, they settled the powers of the Executive, Legislative and Judicial Departments of the Constitution; and afterwards proceeded to the election of a grand committee, such as has been proposed by the gentleman from Luzerne, (Mr. Woodward,) with instructions to report in accordance with the principles settled by the Convention, in committee of the whole. The reports of numerous committees, would not only swell our Journals, but would require the action of this body on the various propositions which might be presented; and without some previous discussion in committee of the whole, propositions adverse to the views of a large majority of the Convention, would necessarily be forced through the medium of standing committees upon our consideration, and occasion a protracted session of the Convention.

The motion of Mr. Sterigere to postpone, was lost.

The question was then taken on the amendment of Mr. Stevens, and decided in the affirmative, by a vote of 63 to 36.

Mr. INGERSOLL then moved to amend the amendment, by adding the following standing committees:

On the subject of currency and corporations.

On the subject of internal improvement, highways, and eminent domain of the State.

On the subject of State loans and the State debt.

Mr. STEVENS thought if the Convention was to adopt the proposition of the gentleman from Beaver, it should be adopted without the addition of more committees. The committee on the articles of the Constitution might, some of them, be able to report soon, and thus enable the Convention to proceed to business. It seemed to him that it was the proper course to appoint standing committees on the several articles of the Constitution, and to refer other subjects to select
Mr. DORAN said, that if the gentleman from Adams brought forward his proposition again, he should again move to amend it by substituting “a committee to inquire into the rise, progress, and decline of antimasonry.”

Mr. STEVENS replied that it would give him great pleasure to vote to put the gentleman at the head of such a committee; for if he would fairly, candidly, and honestly inquire into the subject, he had no doubt it would result in a benefit to himself.

Mr. INGERSOLL said that the subject embraced in his amendment he considered important. He did not see what opposition could be reasonably made to their being referred to standing committees. Could he be assured, however, that there would be no objection to an early reference to a select committee, he would withdraw his amendment, and move at another time, on the subject. He could not see why there should be a confusion of these propositions with that submitted by the gentleman from Adams. If, however, it would create embarrassment in the Convention, and at the same time, a full assurance was given, that the subjects embraced in his proposition should receive due consideration, he should not persist in his motion.

Mr. DUNLOP, of Franklin, said, he hoped that the gentleman from Philadelphia would perceive the necessity of withdrawing his motion, and permit the question to be taken on the amendment of the gentleman from Beaver, unembarrassed. If the gentleman will, at another time, move for a reference of these subjects to select committees, he would use his influence to have them so referred. He thought them important subjects, and as such, they ought to be fully considered in the Convention. The subject of public highways was very important. It had been the practice of the Legislature to declare creeks public highways, without much reference to their size. It was worthy of consideration how far the powers of the Legislature ought to be checked, upon this, as well as other subjects connected with it. The gentleman from Philadelphia, however, could see, that if he persisted in his motion, the gentleman from Adams, who was pledged for the appointment of standing committees, would renew his motion for a committee, which would introduce unpleasant debates into this body. He hoped that these subjects would be kept out of the Convention, and its proceedings would be confined to its legitimate objects. Besides this, the subjects which the gentleman wishes to be considered, could not be reported on, if referred to standing committees, as the Convention had voted, this morning, that there should be no reports from those committees.

Mr. EARLE said, that as his colleague had included one of the propositions submitted by the gentleman from Adams, the other day, he hoped that he would permit the committees asked for to be appointed, without pressing his other proposition. These propositions embraced subjects highly important; and he hoped that they would be referred to standing committees.

Mr. FORWARD said, that in order to facilitate business, he hoped that the amendment of the gentleman from Beaver would be permitted to pass, without amendment. Whenever the gentleman from the county of Philadelphia should move for a reference of the subjects embraced in his propositions to a select committee, he should support the motion.

Mr. INGERSOLL said, that as so many gentlemen of high character had assured him that they would not object to a reference of these subjects to select committees, and to a full consideration in the Convention, he would withdraw the amendment.

Mr. EARLE then moved to add to the duties of the committee on the eighth article of the Constitution, the consideration of “new subjects or propositions to be added to the Constitution, not otherwise referred.”

Mr. DICKEY said he hoped the gentleman would withdraw that motion. It was important first to confine ourselves to the Constitution as given us by our fathers. New propositions could afterwards be referred to select committees; but in the first place, it was necessary to bring before the Convention something for its action.

Mr. M'SHERRY was also in favor of making no amendment to the proposition of the gentleman from Beaver.

Mr. EARLE adhered to his amendment. He thought that the committee on the eighth article would have very little to do—and as there will be a number of new subjects which will claim the attention of the Convention, this might be referred to that committee.

Mr. COX, of Somerset, said he hoped that the Convention would adhere to the amendment of the gentleman from Beaver. He had no doubt, that if we adopted the proposition of the gentleman from Philadelphia county, some other gentleman would rise and move for the appointment of standing committees on other subjects—that we should find ourselves in a labyrinth of perplexity and confusion. Let us first authorize the appointment of standing committees on the several articles of the Constitution, and if any matters are deemed important enough for special reference, let them be referred to select committees.

Mr. BIDDLE, of Philadelphia, said we have been deliberating for more than a week, and yet we have not been able to proceed to business. We all agree, that the committees embraced in the amendment of the gentleman from Beaver, ought to be appointed; but we do not all agree upon the appointment of standing committees upon other propositions. Let us, then, adopt the amendment upon which we all agree—the appointment of committees on the Constitution, in all its parts, in order to have something before the Convention for its action.

Mr. DORAN advocated the amendment of Mr. Earle, on the ground that the subjects embraced in it were important, and deserved a reference to standing committees.

The vote being taken, the motion of Mr. Earle was negatived.

Mr. PORTER, of Northampton, said that he feared that the amendment of the gentleman from Beaver had been so long and so fully discussed, that the Convention had lost sight of the resolution.
which had been offered by himself. He had no objection to the com-
mittees embraced in the amendment, and if his proposition did com-
template a substitution for the resolution, he would vote for it. He
not only wished committees appointed on the articles of the Constitu-
tion, but he also desired, at the same time, to go into the committee
of the whole, and take up and discuss article by article. He was for
going on simultaneously, with a discussion in the committee of the
whole, and a consideration of each article in committees, appointed
for that purpose. This course will facilitate business. A discussion
in committee of the whole, will give the standing committees a better
knowledge of the wishes of the Convention.

Mr. STEVENS thought that the business of the Convention had
better first be sent to the committees. If the Convention first went
into committee of the whole, there would be no limit to the proposi-
tions submitted, and the discussion upon them. Such a course might
occupy the whole summer, without producing anything but a distrac-
tion in our councils.

Mr. EARLE then moved to strike out "nine," in the amendment
of Mr. Dickey, as the number of each committee, and insert "any
number the President may think proper."

Mr. DICKEY opposed the motion. He said that there were some
of the articles of the Constitution which required the appointment of
a larger committee than he had named in the amendment. After the
committees were appointed, and proceeded to their duty, they could
tell what number was necessary, and would ask the Convention
for the appointment of additional members. This was the usual
course in the Legislature, and he could see no reason why it should
be departed from in this instance.

Mr. M'SHERRY agreed with the gentleman from Beaver. Bes-
sides, there was another consideration. The adoption of the amend-
ment to the amendment would throw a great responsibility on the
President, and impose on him an unpleasant duty.

Mr. BANKS, from Mifflin, hoped that his friend from Philadelphia
would withdraw his motion. It would unnecessarily impose a very disagreeable task upon the President, and relieve the Conven-
tion from its own responsibility.

The question being taken, the motion of Mr. Earle was lost—yeas
21, nays 104.

Mr. EARLE then moved to strike out the number "nine" and
insert "fifteen."

He said he made this motion in order to relieve the President from
any blame or responsibility in deciding upon the number, and at the
same time give an opportunity to him to appoint all the members on
some committee.

This motion was opposed by Messrs. Dickey of Beaver, Seltzer of
Lebanon, and Clarke of Indiana; and Messrs. Earle, Doran, and Mar-
tin, supported it.

The vote being taken, the motion of Mr. Earle was negatived—
yeas 26, nays 102.

Mr. WOODWARD, of Luzerne, then moved to amend the amend-
ment by striking out all but the word "Resolved," and inserting, "that
a committee of one member from each congressional district be ap-
pointed to form a Constitution."

Mr. WOODWARD said he was convinced, by all that had trans-
pired in Convention on this subject, that one general committee, com-
posed of members from the several congressional districts of the State,
would be better calculated to report acceptable and proper amend-
ments, than the nine separate and distinct committees contemplated
by the amendment of the gentleman from Beaver, (Mr. Dickey.) The
gentleman's amendment refers the whole Constitution, article by ar-
ticle, to these committees. Some of these articles require no amend-
ment; and why, therefore, refer them to a standing committee? The
people will learn with surprise, perhaps with regret, that each and
every part of the Constitution is about to undergo the action of a com-
mittee: they will infer that that which is faultless now, is to be made
the subject of amendment. The amendments which they require are
few and simple, and these could be reported by one committee, con-
taining a fair representation of the various views of the Convention,
in such a shape as to bring the whole subject in a corrected and co-
herent form, before us. If several committees are charged with rep-
orting amendments in the various parts of the Constitution, referred
to them respectively, those committees will act without concert, and
be very likely to lead us into a scene of inextricable difficulty and
confusion. The propriety of amendments to be reported by one com-
mittee must, in some degree, depend on amendments which another
committee may think proper to submit; and how is this connection
and dependence of subjects to be preserved amongst nine separate and
independent committees; submitting, each, perhaps, a majority to a
minority report?

Take, for example, the second article of the Constitution. The
committee on that article might agree that the Governor's power of
appointment should be restricted, by requiring the concurrence of one
branch of the Legislature; but, perhaps, the committee on the legisla-
tive department would think differently, and withhold the necessary
corresponding amendment; how is the subject to be brought before
the Convention in a reconciled form? Such reports, it seems to me,
can only tend to distract and embarrass our deliberations.

Mr. President—it has been urged by some gentlemen that these
committees were necessary in order to divide the labor, and render
the burden less onerous than it would be on one committee. Others
have advocated a large number of committees on the ground that every
delegate should have the honor of a place on one. As to the first of
these observations, I believe, sir, the amendments which the people
expect from us, and which they, the final arbiters in this business,
will agree to adopt, will not be so onerous as to overpower even the
feeblest of us, and that one committee will be fully able to prepare
them; and as to the honor of a position on any such committee, I will
cheerfully yield it should it fall to me, to any gentleman who desires
it; and in composing the committees, I should hope you would be able
to gratify all, of that kind of ambition, there is in the Convention.

Mr. HAYHURST moved to postpone the subject for the present;
which motion was negatived.

Mr. READ, of Susquehanna, said that when the gentleman from
Indiana first proposed his project of going into the committee of the
whole, it struck him as objectionable; the experience of legislation
led him to believe, that all business, to be acted on in a deliberative
boday, ought first to receive the action of committees. Upon reflection, he had come to the conclusion that the project of the gentleman from Indiana was the proper course. There was a difference between the Legislature and this Convention: the difference was, that in the Legislature, the objects were numerous and various; in this body, the objects were simple, and could be seen at once by all the members. This consideration had led him to the conclusion that it was best to go into the committee of the whole at once, and take up the Constitution for consideration. He greatly preferred the proposition of the gentleman from Beaver, to that of the gentleman from Indiana; but he preferred the proposition of the gentleman from Indiana to either. He should, therefore, vote for the amendment to the amendment, and then vote against the amendment.

Mr. BANKS said that the question was one of expediency, and not of principle. He had examined the proceedings of the Conventions of New York and Virginia, which assembled to alter the Constitutions of their respective States, and found, that the plan of the gentleman from Beaver was adopted in New York; in Virginia, a committee of twenty-four was appointed, on the three great departments of the government.

Mr. DICKEY said that because every article of the Constitution was to be referred to a committee, it did not follow that it was to be taken for granted that that article was to be amended. It was right and proper that all the articles should receive a reference, and be considered. Some of the committees would probably, be able to report soon, when the Convention would have something for its action. There was another objection which had been made, and that was, that the several committees on each article would report a Constitution which would be incoherent in its parts; and that one committee would encroach upon the province of another. This conclusion does not follow of course. Each subject contained in the articles was distinct in itself. For instance—the article relating to the patronage of the Governor, which all admitted ought to be reduced, was sufficiently distinct from the subjects contained in the other articles relating to the Executive. The same may be the case as it respects other subjects.

The vote being taken, the amendment of Mr. Woodward was negatived.

Mr. CLARKE, of Indiana, then stated his objections to the passage of the amendment.

Mr. SCOTT, of Philadelphia, said that it seemed to be taken for granted, that if we adopt the amendment of the gentleman from Beaver, it would preclude the going into committee of the whole. It did not seem to him that the adoption of the one precluded the other. If we pass the amendment, and authorize the appointment of committees on the several articles of the Constitution, we can afterwards go into the committee of the whole and consider these articles. We can, if we choose, instruct the committees to make a report in conformity to the views of the majority of this body. He said that he should vote for the proposition of the gentleman from Beaver, while he did not commit himself against the proposition to go into the committee of the whole, nor even against the proposition of the gentleman from Luzerne, which had something captivating about it. The adoption of the proposition of the gentleman from Beaver would be one step towards business. We could then, if we desired, adopt the plan of the gentleman from Indiana, or, if it should be deemed necessary, in order to embody the views of the several committees, appoint a grand committee of one from each congressional district. In the Legislature, when a subject was referred to a committee, it was considered out of the house; but he apprehended that it was not the case in this Convention: the Constitution would be always before it, so that we could, at any time, refer it to the committee of the whole, or any other committee.

After some remarks by Mr. Dunlop and Mr. Forward, the vote was taken on the amendment of Mr. Dickey, when it was adopted by a vote of 73 yeas to 53 nays.

The resolution was then agreed to, when the Convention adjourned.

(Constitution of Pennsylvania—Continued from No. III.)

8. No person shall be a senator who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the State four years next before his election, and the last year thereof an inhabitant of the district for which he shall have been chosen, unless he shall have been absent on the public business of the United States, or of this State.

9. Immediately after the senators shall be assembled, in consequence of the first election subsequent to the first enumeration, they shall be divided, by lot, as equally as may be, into four classes. The seats of the third class, at the expiration of the third year; and of the senators of the first class, shall be vacated at the expiration of the first year; of the second class, at the expiration of the second year; fourth class, at the expiration of the fourth year; so that one-fourth may be chosen every year.

10. The General Assembly shall meet on the first Tuesday of December in every year, unless sooner convened by the Governor.

11. Each house shall choose its Speaker, and other officers; and the Senate shall also choose a Speaker pro tempore, when the Speaker shall vacate the office of Governor.

12. Each house shall judge of the qualifications of its members. Contested elections shall be determined by a committee, to be selected, formed, and regulated in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business; 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 provided.

13. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, 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 a branch of the Legislature of a free State.

14. Each house shall keep a journal of its proceedings, and publish them weekly; except such parts as may require secrecy; and the yeas and nays of the members, on any question, shall, at the desire of any two of them, be entered on the journals.

15. The doors of each house, and of committees of the whole, shall be open, unless when the business shall be such as ought to be kept secret.

16. 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.

17. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the Commonwealth. They shall, in all cases, except treason,
The supreme executive power of this Commonwealth shall be vested in a Governor.

The Governor shall be chosen the second Tuesday of October, by the citizens of the Commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Senate, who shall open and publish them in the presence of the members of both houses of the Legislature. The person having the highest number of votes, shall be Governor: but, if two or more shall be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both houses. Contested elections shall be determined by a committee, to be selected from both houses of the Legislature, and formed and regulated in such manner as shall be directed by law.

The Governor shall hold his office during three years from the third Tuesday of December, next ensuing his election; and shall not be capable of holding it longer than nine in any term of twelve years.

He shall be at least thirty years of age, and have been a citizen and inhabitant of this State seven years next before his election, unless he shall have been absent on the public business of the United States or of this State.

No member of Congress, or person holding any office under the United States or this State, shall exercise the office of Governor.

The Governor shall, at stated times, receive for his services a compensation, which shall be neither increased nor diminished during the period for which he shall have been elected.

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.

He shall appoint all officers whose offices are established by this Constitution, or shall be established by law, and whose appointments are not herein otherwise provided for: but no person shall be appointed to an office within any county, who shall not have been a citizen and inhabitant therein, one year next before his appointment, if the county shall have been so long erected; but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken, no member of Congress from this State, or any person holding or exercising any office of trust or profit under the United States, shall, at the same time, hold or exercise the office of Judge, Secretary, Treasurer, Prothonotary, Recorder of Wills, Recorder of Deeds, Sheriff, or any office in this State, to which a salary is by law annexed, or any other office which future Legislatures shall declare incompatible with offices or appointments under the United States.

He shall have power to remit fines and forfeitures, and grant reprieves and pardons, except in cases of impeachment.

He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he shall judge expedient.

He may, on extraordinary occasions, convene the General Assembly, and, in case of disagreement between the two houses, with respect to the time of adjournment, adjourn to such time as he shall think proper, not exceeding four months.

He shall take care that the laws be faithfully executed.

In case of the death or resignation of the Governor, or of his removal from office, the Speaker of the Senate shall exercise the office of Governor, until another Governor shall be duly qualified. And the trial of a contested election shall continue longer than until the third Tuesday in December next, ensuing the election of Governor the Governor of the last year, or the Speaker of the Senate, who may be in the exercise of the executive authority, shall continue there until the determination of such contested election, and until a Governor shall be qualified as aforesaid.

A Secretary shall be appointed and commissioned during the Governor’s continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and papers, minutes, and vouchers relative thereto, before either branch of the Legislature; and shall perform such other duties as shall be enjoined him by law.

In elections by the citizens, every freeman, of the age of twenty one years, having resided in the State two years next before the election, and within that time paid a State or County tax, which shall have been assessed at least six months before the election, shall be the right of an elector: Provided, that the sons of persons qualified as aforesaid, between the ages of twenty-one and twenty-two ye shall be entitled to vote, although they shall not have paid taxes.

All elections shall be by ballot, except those by persons in representative capacities, who shall vote not voce.

Electors shall, in all cases, except treason, felony, and brev
of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them.

ARTICLE IV.

1. The House of Representatives shall have the sole power of impeaching.

2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

3. The Governor, and all other civil officers under this Commonwealth, shall be liable to impeachment for any misdemeanor in office. But judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit, under this Commonwealth. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

ARTICLE V.

1. The judicial power of this Commonwealth shall be vested in a supreme court, in courts of oyer and terminer and general jail delivery, in a court of common pleas, orphans' court, registrar's 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.

2. The judges of the supreme court, and of the several courts of common pleas, shall hold their offices during good behavior. But, for any reason, the Governor may remove any of them, on the address of two-thirds of each branch of the Legislature. The judges of the supreme court, and the President of the several courts of common pleas, shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit under this Commonwealth.

3. The jurisdiction of the supreme court shall extend over the State; and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery, in the several counties.

4. Until it shall be otherwise directed by law, the several courts of common pleas shall be established in the following manner: The Governor shall appoint, in each county, not fewer than three, nor more than four judges, who, during their continuance in office, shall reside in such county. The state shall be divided, by law, into circuits, none of which shall include more than six, nor fewer than three counties. A president shall be appointed of the courts in each circuit, who, during his continuance in office, shall reside therein. The president and judges, any two of whom shall be a quorum, shall compose the respective courts of common pleas.

5. The judges of the court of common pleas in each county, shall by virtue of their offices, be justices of oyer and terminer, and general jail delivery, for the trial of capital and other offenders therein: any two of the said judges, the president being one, shall be a quorum; but they shall not hold a court of oyer and terminer or jail delivery in any county, when the judges of the supreme court, or any of them, shall be sitting in the same county. The party accused, as well as the Commonwealth, may, under such regulations as shall be prescribed by law, remove the indictment and proceedings, or a transcript thereof, into the supreme court.

6. The supreme court, and the several courts of common pleas, shall, beside the powers hitherto usually exercised by them, have the powers of a court of chancery, so far as relates to the perpetuating testimony, the obtaining of evidence from places not within this State, and the care of other persons and estates of those who are not compositors; and the Legislature shall vest in the said courts such other powers, to grant relief in equity, as shall be found necessary: and may, from time to time, enlarge or diminish those powers, or vest them in such other courts as they shall judge proper, for the due administration of justice.

7. The judges of the court of common pleas of each county, any two of whom shall be a quorum, shall compose the court of quarter sessions of the peace, and orphans' court thereof; and the register of wills, together with the said judges, or any two of them, shall compose the register's court of each county.

8. The judges of the courts of common pleas shall, within their respective counties, have the like powers with the judges of the supreme court to issue writs of certiorari to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

9. The president of the court in each circuit, within such circuit, and the judges of the court of common pleas, within their respective counties, shall be justices of the peace, so far as relates to criminal matters.

10. The Governor shall appoint a competent number of justices of the peace, in such convenient districts, in each county, as are or shall be directed by law: they shall be commissioned during good behavior, but may be removed on conviction of misbehavior in office or of any infamous crime, or on the address of both houses of the Legislature.

11. A register's office, for the probate of wills, and granting letters of administration, and an office for the recording of deeds, shall be kept in each county.

12. The style of all process shall be, the Commonwealth of Pennsylvania: all processes shall be carried on in the name and by the authority of the Commonwealth of Pennsylvania, and conclude against the peace and dignity of the same.

ARTICLE VI.

1. Sheriffs and coroners shall, at the times and places of election of representatives, be chosen by the citizens of each county. Two persons shall be chosen for each office, one of whom, for each respectively, shall be appointed by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified; but no person shall be twice chosen or appointed sheriff, in any term of six years. Vacancies in either of the said offices shall be filled by a new appointment, to be made by the Governor, to continue until the next general election.

2. The freemen of this Commonwealth shall be armed and disciplined for its defence. Those who conscientiously scruple to bear arms, shall not be compelled to do so; but shall pay an equivalent for personal service. The militia officers shall be appointed in such manner, and for such time as shall be directed by law.

3. Prothonotaries, clerks of the peace and orphans' courts, recorders of deeds, registers of wills, and sheriffs, shall keep their offices in the county of the court which they respectively shall be officers; unless when the Governor shall, for special reasons, dispense therewith, for any term not exceeding five years, after the county shall have been erected.

4. All commissions shall be in the name and by the authority of the Commonwealth of Pennsylvania, and shall be sealed with the State seal, and signed by the Governor.

5. The State Treasurer shall be appointed annually, by the joint action of the members of both houses. All other officers in the Treasury Department, attorneys at law, election officers, officers relating to taxes, to the poor, and highways, constables, and other township officers, shall be appointed in such manner as is or shall be directed by law.
ARTICLE VII.

1. The Legislature shall, as soon as conveniently may be, provide by law for the establishment of schools throughout the State, in such manner that the poor may be taught gratis.

2. The arts and sciences shall be promoted, in one or more seminaries of learning.

3. The religious societies and corporate bodies shall remain as if the Constitution of this State had not been altered or amended.

ARTICLE VIII.

Members of the General Assembly, and all officers, executive and judicial, shall be bound, by oath or affirmation, to support the Constitution of this Commonwealth, and to perform the duties of their respective offices with fidelity.

ARTICLE IX.

That the general, great, and essential principles of liberty and free government may be recognized and unalterably established, we declare:

1. That all men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness. For the advancement of those ends, they have, at all times, an unalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper.

2. That all power is inherent in the people; and all free governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of those ends, they have, at all times, an unalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper.

3. That all men have a natural and indefeasible right to worship Almighty God, according to the duties of their own consciences; and no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishments or modes of worship.

4. That no person, who acknowledges the being of a God, and religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

5. That elections shall be free and equal.

6. That the trial by jury shall be as heretofore, and the right thereof remain inviolate.

7. That the printing presses shall be free to every person who undertakes to examine the proceedings of the Legislature, or any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. In prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And, in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

8. That the people shall be secure in their persons, houses, papers, possessions, from unreasonable searches and seizures; and that warrant to search any place, or to seize any person or things, shall be, without describing them as nearly as may be, nor without cause, supported by oath or affirmation.

9. That, in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him; to meet the witness face to face; to have a compulsory process for obtaining witnesses in his favor; and, in prosecutions by indictment or information, a speedy, public trial, by an impartial jury of the vicinage: that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land.

10. That no persons shall, for any indecible offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger, or, by leave of the court, for oppression and misdemeanor in office. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives, and without just compensation being made.

11. 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. Suits may be brought against the Commonwealth in such manner, in such courts, and in such cases, as the Legislature may by law direct.

12. That no power of suspending laws shall be exercised, unless by the Legislature, or its authority.

13. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

14. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

15. That no commission of oyer and terminer or jail delivery shall be issued.

16. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estates for the benefit of his creditors in such manner as shall be prescribed by law.

17. That no ex post facto law, nor any law impairing contracts, shall be made.

18. That no person shall be attainted to treason or felony by the Legislature.

19. That no attainted shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth; that the estates of such persons as shall destroy their own lives, shall descend or vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

20. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

21. That the right of the citizens to bear arms in defense of themselves and the State, shall not be questioned.

22. That no standing army shall, in time of peace, be kept up, without the consent of the Legislature; and the military shall, in all cases, and at all times, be in strict submission to the civil power.

23. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

24. That the Legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointments to which shall be for a longer term than during good behaviour.

25. That emigration from the State shall not be prohibited.

26. 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 for ever remain inviolate.
CORRECTION.

It was stated in the Chronicle of yesterday, that the resolution of Mr. Earle, to refer "new subjects or propositions to be added to the Constitution" to the committee on the eighth article of the Constitution, was negatived. Mr. Earle withdrew the resolution.

CONVENTION PROCEEDINGS.

WEDNESDAY, MAY 10, 1837.

The Convention was opened with prayer, by the Rev. William R. DeWitt, of the Presbyterian Church.

The journals of yesterday having been read, the following standing committees were announced from the chair, on the several articles of the Constitution:

ARTICLE I.


2d. Messrs. Stevens, Ingersoll, Meredith, Bell, James Porter, Dickerson, Darlington, Ayres, Overfield.

3d. Messrs. Cunningham, John Clark, Rogers, Earle, Clapp, Foulkrod, Jenks, Lyons, Saeger.


6th. Messrs. Read, Chauncey, Dunlap, Taggart, Heister, Fuller, Cummin, Royer, Donnell.


9th. Messrs. J. M. Porter, M'Sherry, Scott, Cox, I. Coates, Crain, Cline, Agnew, Sheetz.

Mr. INGERSOLL offered the following resolution, which was agreed to:

Resolved, That the subjects of the currency, corporations, highways, and eminent domain of the State, be referred to a select committee to report thereon.

And that the subjects of public improvements, loans, and debts of the State, be referred to another special committee to report thereon.

Mr. BROWN, of Philadelphia county, offered the following resolutions, which were ordered to be printed:

ARTICLE I.

Resolved, That the legislative department of the Constitution of the Commonwealth ought to be amended—

First, By taking from it the veto power of the Governor; or, if retained, substituting three-fifths of both houses as necessary to pass a law, instead of two-thirds, as at present.

Second, By limiting the term of senators to two years, instead of four.

Third, By prohibiting the Legislature from passing, in the same "act," laws relating to subjects unconnected with each other.

Fourth, By restricting the Legislature in granting special acts of incorporation to associations for internal improvements, for transportation, or for municipal government; and requiring the other acts of incorporation to be by general laws, equally free and open to all citizens.

Fifth, By requiring the Legislature to meet on the second Tuesday in January, instead of the first in December, as at present.

Sixth, By requiring all laws to originate in the House of Representatives.

ARTICLE II.

Resolved, That the executive department of the Commonwealth ought to be amended—

First, By reducing the term of service of the Governor to two years, and eligibility to only four years out of six.

Second, By taking from the Governor the appointment of all officers other than those connected with the State executive department, viz: Secretary of State, Auditor-General, Surveyor-General, Secretary of the Land Office, and their assistants, and requiring the concurrence of the Senate to the appointment of the heads of these departments.

ARTICLE III.

Resolved, That article 3d, section 1st, of the Constitution of the Commonwealth, ought to be amended—

First, By giving the right of an elector to every citizen of the United States, native or naturalized, of the age of twenty-one years, who shall have resided in the State six months preceding the election.

Second, By taking from it the tax qualification.

ARTICLE V.

Resolved, That the judiciary department of the Constitution of this Commonwealth ought to be amended—

First, By limiting the term of office of the judges of the supreme court to five years, and by giving their appointment to the joint vote of both houses of the Legislature—one judge to be appointed annually.

Second, By limiting the term of office of the president judges of
the district or county courts to three years, and giving their appointment to the joint vote of both houses of the Legislature; and by limiting the term of office of the associate judges to two years—one to be elected annually by the citizens of each county.

Third, That justices of the peace shall be elected by the citizens of each ward, district, or township, and shall hold their offices for three years.

**ARTICLE VI.**

Resolved, That article 6th of the Constitution of this Commonwealth ought to be amended—

First, That the citizens of each county in the State shall elect their sheriff, coroner, prothonotaries, register, recorder, county commissioners, and such other county officers as conveniently can be elected to hold their offices for three years.

Second, That the citizens of each of the wards, districts, or townships now established, or that may hereafter be established by law, shall, under the powers that may be given them by law, elect on the third Friday of March, annually, judges and inspectors of elections, constables, assessors, and collectors of taxes, school directors, and overseers of the poor, who shall all hold their offices for one year, but may be re-elected at the expiration of that time.

**ARTICLE VII.**

Resolved, That article 7th of the Constitution of this Commonwealth ought to be amended, so that provision be made for the establishment of schools throughout the whole Commonwealth, on a permanent basis, and on the most enlarged and liberal plan.

Mr. FORSTER, of Northampton, offered the following resolution, which was laid on the table, and ordered to be printed:

Resolved, That the committee on the first article of the Constitution be instructed to inquire into the expediency of so modifying that article as—

1. That the senatorial term be reduced to three years.
2. That the Legislature shall meet on the first Tuesday in January in each year, unless sooner convened by the Governor.
3. The Lieutenant-Governor shall be President of the Senate, and each house shall have the right to select a presiding officer pro tempore, in the absence or other inability of the presiding officer to perform the duties of the chair.
4. The Legislature shall have no power to unite in any one bill, or act, two distinct subjects or objects of legislation, or any two distinct appropriations for two distinct or different objects, except appropriations to works exclusively belonging to or carried on by the State; and that the object or subject matter of each bill, or act, shall be distinctly stated in the title.
5. That the Legislature shall have no power to grant a perpetual charter of incorporation for any purpose whatsoever, except for religious, eleemosynary, or literary purposes; nor any bank charter, of a longer duration than ten years; nor when the capital shall exceed $2,500,000, without the concurrence of two legislatures.

Mr. READ, of Susquehanna, offered the following resolutions, which were ordered to be printed:

Resolved, That this Convention, without waiting for reports from standing committees, will proceed (in committee of the whole) to consider the following principles in order:

1. The Legislature shall consist of a Senate and House of Representatives.
2. The Senate shall consist of thirty members, one-third to be elected annually.
3. The House of Representatives shall consist of ninety members, and shall be elected annually.
4. The Legislature shall elect, annually, by joint ballot, a State Treasurer, a Superintendent of Common Schools, a Secretary of Public Works, a Secretary of the Land Office, and an Auditor-General—the office of the Surveyor-General to merge in the Land Office.
5. The Legislature shall meet on the first Tuesday of January in each year, unless sooner ordered by the Governor.
6. The Legislature shall have power to grant pardons.
7. All bills vetoed by the Governor shall be considered by each branch of the Legislature, and if then passed by a majority of all the members of each house, the same shall be a law.
8. The executive power of the Commonwealth shall be vested in a Governor, to be elected for a term of three years; and having served a term, shall ever after be ineligible.
9. The Governor shall have power to suspend the punishment of convicts under sentence until the meeting of the Legislature.
10. The Governor shall have power to appoint, during pleasure, a Secretary of State and an Attorney-General.
11. The Governor shall have power, by and with the advice and consent of the Senate, to appoint judges of the supreme court for a term of ten years.
12. He shall have power, by and with the advice and consent of the Senate, to appoint judges of all other courts of record for a term of seven years.
13. All other officers, except subordinates officers in the departments, and all that may hereafter be created by law, shall be elected.
14. Provision shall be made for future amendments of the Constitution.
15. A limited number of justices of the peace shall be elected in each borough and township for a term of three years.

Mr. DORAN, of Philadelphia county, offered the following resolution, which was ordered to be printed:

Resolved, That the following provision or article be introduced into the Constitution:

"Every citizen may feel, speak, write, and publish his opinion 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 prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous 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 fact."

Mr. DORAN also offered the following resolution, which was laid on the table:

Resolved, That a select committee of persons be appointed to inquire and report to the Convention, whether the people of this
Commonwealth, by a legislative enactment, or by a provision in their new Constitution, can repeal, alter, or modify an act of Assembly of this Commonwealth, entitled "An act to repeal the State tax on real and personal property, and to continue and extend the improvements of the State by rail-roads and canals, and to charter a State bank to be entitled the United States Bank," passed the eighteenth day of February, A. D. eighteen hundred and thirty-six; and if the people have such power, whether it would be proper and expedient to repeal, alter, or modify that act, or any part thereof, and in what way, and on what terms the same should be done.

Mr. EARLE offered the following resolution, which was read a second time:

Resolved, That a special committee of nine persons be appointed to report on the subject of future amendments to the Constitution.

Mr. DUNLOP suggested to the mover to permit it to lie on the table, like the other resolutions which had been offered. It was not yet determined whether any amendments were to be made to the Constitution.

Mr. EARLE thought the gentleman did not understand the object of the resolution. It was not for a committee to propose amendments, but a committee on the subject of future amendments.

Mr. WEIDMAN, of Lebanon, said: Mr. President, I am opposed to the resolution of the gentleman from the county of Philadelphia. I am not in favor of interfering with the present Constitution. There is a still small voice which reaches me on the floor of this Convention. The Congressional district, composed of the counties of Lebanon and Dauphin, which I have the honor to represent in this Convention, has loudly proclaimed that they are not for reform—not for interfering with this solemn compact. On the vote taken for a call of a Convention, the citizens of Dauphin and Lebanon gave a vote of 3,661; of that number 2,110 were opposed to the call of a Convention. I know no other way of ascertaining the sense of my constituents, than through the ballot boxes. They have therefore decided, I conceive, that they are satisfied with the present Constitution. I am therefore at present opposed to the resolution of the gentleman from the county of Philadelphia, until I hear the report of the committee already appointed by this Convention. I am not in favor, as at present advised, of any amendment, because my constituents knew my sentiments before I was elected. I was not silent in my opposition to the call of the Convention, and opposed it with my might. I have heard it asserted, that this Constitution is aristocratic in its principles. When I look at the names of the signers of the Constitution, and see the names of the best of men, the best of patriots—men who were taught the right rules of conduct in a seven years' war—men who had the best of teachers—a Washington—a Madison—a Jefferson—whose names are revered by a free people, and whose democracy can never be doubted—men who, for wisdom and patriotism, can compare with any men, of any age, and every nation, I cannot believe that the principles of this Constitution are aristocratic.

I am opposed at this time to all alteration in the legislative department, because I believe that the power therein delegated, is not aristocratic. Nor do I believe too great or too extensive powers, have been delegated by it to protect every individual in his life—his property—or his reputation. To this end, it is necessary that great and extensive power should be delegated; it was necessary, that, like the laws of Heaven, their protective influence should fall on all; and, like the light of the sun's rays, should penetrate every corner of the State.

The agents to whom this power is delegated, are surrendered periodically into the hands of the people, and they have the complete and entire control over them. I do not believe in the abuse of this power, though the agent may differ on the question of expediency of measures, and the representative may be mistaken. The power to legislate must be given, must be co-extensive with the protection of life, liberty, property and reputation. If delegated at all, it must be extended to agents, and this present mode of election, under our present Constitution, I believe as good as any other I have yet heard suggested.

I am not at present advised in favor of an alteration in the judicial power. I have no idea of making the judicial power subservient to the legislative power. This is a question which deserves the serious consideration of every member of this Convention.

The executive patronage, it is said, is too extensive, and the appointment of county officers should be taken from him, and that they should be elected by the people of the respective counties. And, in relation to it, I would call the serious attention of this Convention to the question, how far the election of county officers affect the general intelligence of the community. The triennial elections, though they may be warm, and draw forth the fiercer passions of politicians, yet the intelligence gained by the whole community, by coming in conflict, discussing the principles of government and the general increase of the administration, is of much more importance to the people whom government rests upon for their information and intelligence.

Mr. DARLINGTON hoped that the gentleman would let the subject lie over. It ought not to be pressed upon the Convention before the delegates had time to consider upon it.

Mr. BROWN, of Philadelphia county, said he hoped that his colleague would let the resolution be postponed for the present, as its object seemed to be misunderstood. Its object was but to reinstate a committee, reported by the committee on rules, which had been last sight of in the amendments of the gentleman from Beaver. It was not to raise a committee to propose amendments for the consideration of this Convention, but to provide in the Constitution a mode of adopting future amendments. The speech of the gentleman from Lebanon and Dauphin, was a very good speech; but there was one objection to it. It had no relation whatever to any question before the Convention.

Mr. EARLE moved to postpone the resolution, which motion was agreed to.

Mr. STERIGERE offered the following resolution:

Resolved, That Samuel D. Patterson be, and he is hereby, appointed printer of the petitions, resolutions, reports, amendments, and other documents and papers, (excepting the debates and journals,) which have been or may be ordered to be printed by the Convention, and that the same be printed on Full-scape paper of a good quality, in Small Pica type, each line to contain not less than forty-two words, so that the same may be bound together; and that all papers ordered to
be printed for the action of the Convention, shall have the lines on each page numbered in the margin in the form of bills.

Mr. KONIGMACHER moved to strike out the name of "Samuel D. Patterson," and insert that of "Theophilus Penn."

Mr. STEVENS moved to postpone the resolution, together with the amendment, indefinitely; which, after some debate by Messrs. Stevens, Stirling and Cox, was agreed to.

Mr. MERRILL, of Union, then offered the following resolution, which was laid on the table:

Resolved, That the first article of the Constitution, ought to be so amended, that the 10th section thereof should read as follows, viz:

10. The General Assembly shall meet on the first Tuesday of January in every year, but may be convened by the Governor at any other time.

Resolved, That the said article ought to be further amended, so that the 22d section thereof shall be as follows:

22. Every bill which shall have passed both Houses, shall be presented to the Governor. If he approves, he shall sign it—but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large upon their Journals, and proceed to reconsider it. If after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent with the objections to the other House, by which likewise, it shall be reconsidered, and if approved by two-thirds of that House, it shall be a law. But in such cases, the votes of both Houses shall be determined by yea and nay, and the names of the persons voting for or against the bill, shall be entered on the Journals of each House, respectively; but if two-thirds of each House shall not vote for the bill, it shall be laid over till the next regular session of the Legislature.

Then, if the same shall be passed by a majority of each House, it shall become a law without the signature of the Governor. If any bill shall not be returned by the Governor within ten days, (Sundays excepted,) after it shall be presented to him, it shall be a law. It shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

Resolved, That the said first article ought to be further amended, by adding thereto a section, to be called the twenty-fourth, as follows:

24. No act of incorporation shall be passed by the Legislature unless public notice to be prescribed by law, shall have been given for months.

Resolved, That the first article ought to be further amended, by adding thereto a section, to be called the twenty-fifth, as follows:

25. Distinct and dissimilar subjects, shall not be included in the same law, and in no case shall one bill contain more than one act of incorporation.

Resolved, That the second article of the said Constitution ought to be so amended, that the 8th section thereof, shall be as follows:

8. He shall nominate and, by and with the advice and consent of the Senate, appoint all officers established by the Constitution, or shall be established by law, and whose appointments are not herein otherwise provided for; and in no wise shall the Governor remove the incumbents of any office, unless by and with the consent of the Senate.

But no person shall be appointed to an office within any county, who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long created; but if it shall not have been so long created, then within the limits of the county or counties out of which it shall have been taken.

No member of Congress from this State, or any person holding or exercising any office of trust or profit under the United States, shall at the same time hold or exercise the office of judge, secretary, treasurer, prothonotary, register of wills, recorder of deeds, sheriff, or any office in this State to which a salary is by law annexed, or any other office which future Legislatures shall declare incompatible with offices or appointments under the United States.

Resolved, That the said article ought to be further amended, by inserting next after the 8th section, a section to be called section 9, as follows:

9. Prothonotaries, clerks of the several courts, registers and recorders of deeds of the several counties, shall be elected by the people; and provision should be made by law prescribing the number of persons, who shall hold the said offices in each county, and the mode of their election.

Resolved, That the said article ought to be further amended, that the present 9th section be called the 10th section, and be as follows:

10. The Governor shall have power to remit fines and forfeitures, and grant reprieves and pardons, except in case of impeachment: but in all cases of felony, by and with the advice and consent of the Senate.

Resolved, That the third article of the said Constitution ought to be so amended, that the 1st section shall be as follows:

1. In elections by the citizens, every freeman of the age of twenty-one years, having resided in the State one year next before the election and within that time paid a State or county tax, which shall have been assessed at least six months before the election, or shall have performed military duty, or have labored on the public highways in pursuance of law, shall enjoy the right of an elector, provided that young men between the ages of twenty-one and twenty-two, whose health has disabled them from doing military duty, or who shall not have been notified to labor on the public high-ways, and who shall be otherwise qualified, shall be entitled to vote, although they have not been assessed, paid taxes, done military duty or labored on the public high-ways.

Resolved, That the 5th article of the Constitution ought to be so amended, that the 10th section shall be as follows:

10. The Governor, by and with the advice and consent of the Senate, shall appoint justices of the peace, in such convenient districts, and in such proportion to the number of taxable inhabitants in each county, as are or shall be directed by law. They shall be commissioned during good behaviour, but may be removed on conviction of misbehaviour in office, or of any infamous crime, or by the Governor, by and with the advice and consent of the Senate.
Resolved, That the 6th article ought to be amended, so that the second section shall be as follows:

2. The freemen of this Commonwealth shall be enrolled, and when by law required, shall be armed, disciplined and organized for its defense; but those who conscientiously refuse to bear arms, shall not be compelled to do so, and the mode of manifesting these scruples shall be prescribed by law.

Resolved, That the action of this Convention will not, and of right ought not, to cause a vacancy in any office in this Commonwealth.

Mr. KEIM offered the following resolution,

Resolved, That the prices paid for printing by the last Legislature, serve as a standard for the prices to be paid for the printing to be done for this Convention.

On motion of Mr. COX, the resolution was referred to the committee on printing.

Mr. STEVENS offered the following as an amendment, which he intended to move as an amendment to article 9th, section 6th.

"The trial by jury shall remain as heretofore, and shall be secured to every human being, in all cases where his life or liberty is in question, and the rights thereof shall remain inviolate."

Mr. REIGART, of Lancaster, offered the following, which was laid on the table:

Resolved, That the legislative power, so far as it relates to the chartering of incorporated companies, ought to be restricted; and that no act of incorporation, which may be in future enacted, ought to continue in force for a longer period than twenty years, without the renewed action of the Legislature in its favor, except incorporations for public improvements, when two-thirds of the Legislature may concur in passing the same.

Mr. M'DOWELL offered the following resolution, which was laid on the table:

Resolved, That the 2d section of the first article of the Constitution be so amended, that the annual election of State and County officers shall be held on the 1st Thursday and Friday of September.

That the 10th section of the same article, be so amended, that the General Assembly shall meet on the 1st Monday of November in every year.

That the 2d section of the 2d article be so amended, that the election of Governor shall take place, on the 1st Thursday and Friday of September, in every third year.

That the 3d section of the same article be so amended, that the Governor shall hold his office, during three years, from the 1st Thursday in September next ensuing his election, and shall not be capable of holding it longer than six years in any term of nine.

Mr. BELL offered the following resolution, which was laid on the table:

Resolved, That the standing committee on article 5th of the Constitution, be instructed to inquire into the expediency of providing for the appointment of justices of the peace, for a term of years, by the Governor, by and with the advice and consent of the Senate, the said justices to be removable for official misconduct, by the supreme court of the proper county, upon complaint made and duly proved.

Mr. STERIGERE offered the following resolution, which was referred to the committee on printing:

Resolved, That 5,000 copies of the journal of the Convention, and committee of the whole and debates in English, be printed on good paper in Royal Octavo form, with long primer type, the yeas and nays to be printed in solid paragraphs; 500 of which shall be deposited in the office of the Secretary of the Commonwealth, to be distributed as the Legislature may direct, and 20 copies in the State Library, and that 10 copies be transmitted to the Congressional Library at Washington.

Ten copies to each public library in the city and county of Philadelphia, city of Lancaster, and city of Pittsburg; and two copies to each other public library, lyceum, or scientific association in this State; one copy to the office of each prothonotary, recorder, register and clerk of every court, to remain in their respective offices; one copy to the Governor and heads of departments each; two copies to each Senator and member of the House of Representatives of the United States, from this State; two copies to each member of the Legislature of this State; one copy to each judge of each court in this State; one copy to each post-master in this State; one copy to the editor and publisher of each public journal, periodical or newspaper in this State; and one copy to each of such other places not exceeding five, as each delegate may direct, which may be best calculated for public information, and that the residue be divided among the delegates and secretaries of the Convention for distribution among their constituents.

That 5,000 copies of the said journal and debates be printed in German, in manner aforesaid; 200 of which shall be deposited in the office of the Secretary of the Commonwealth, to be distributed as the Legislature may direct; and five copies in the State library, and that two copies be transmitted to each member of Congress and of the State Legislature of this State, and one copy to each other library, officer, or person and place above mentioned in relation to the distribution of the English journal and Debates, and that the residue be distributed as provided for the distribution of the residue of the English journal and debates. And that the secretaries cause such copies to be carefully folded and transmitted as aforesaid, by mail, from time to time, as the same may be printed, the postage of which shall be paid as a part of the contingent expenses of the Convention.

Mr. PURVIANCE offered the following resolution:

Resolved, That the standing committees on the several articles of the Constitution, be instructed to report as follows:

1st. Against the re-eligibility of the executive.
2d. In favor of a reduction of executive patronage.
3d. In favor of a change in the time of meeting of the Legislature.
4th. In favor of a change in the official tenure of the judiciary.
5th. In favor of all county officers.
6th. In favor of dispensing with a tax qualification in the right of suffrage.
7th. In favor of dispensing with, or further restricting the veto power of the executive.
8th. In favor of future amendments.

Mr. PORTER, of Northampton, moved that the Convention resolve itself into a committee of the whole on the resolutions of Mr. Purviance.
Mr. Dickey was opposed to going into committee of the whole, until the standing committees to which the several subjects embraced in the resolution, referred this morning, had time to report. Nothing could possibly be gained by such a course; and it would greatly retard the business of the Convention. If the object of the gentleman from Butler, was to obtain the speedy action of this Convention on those important subjects, that object would be best gained by submitting the appropriate standing committees to proceed with the consideration of them; and when they should report, the Convention would be prepared for immediate action, either by then going into committee of the whole, or otherwise. He was not opposed to going into committees of the whole at a proper time. He expected that the Convention would do so; but he was opposed to it at present, because it would very much retard the business.

Mr. Purviance said, that, in offering the resolution, he was not aware of the extent to which it would lead the discussions of this body. Gentlemen from different sections of the State had submitted plans of Constitutions amplified into details, upon which the Convention could not as yet be prepared to act, until the report of the respective committees. My resolution proposes nothing more than to obtain the action of the Convention upon the leading and general features of the proposed amendments, leaving the committee to carry out the details, and submit them to the consideration of the Convention.

Sir, said Mr. Purviance, I am extremely anxious to expedite the business of the Convention, by giving the committees such instructions as will enable them to act, not only promptly, but understandingly. By passing over the several propositions in the resolutions under consideration, members of the several committees will be disposed to yield their individual opinions to the expressed action of the body, of which they are but constituent parts, and will feel disposed to make a report in accordance with the expressed will of perhaps a large majority of the Convention. The course pointed out by my resolution, is not at variance with any decision of the Convention; but, on the contrary, is recommendatory of the one contended for by the gentleman from the city (Mr. Scott,) as well as the gentleman from Franklin, (Mr. Dunlop,) I understand both those gentleman to say, they would vote in favor of going into committee of the whole, even after the appointment of standing committees. A vote on the propositions contained in my resolution, will enable us to know whether any alterations are to be made in the present Constitution, and if a majority should determine that no alterations are to be made, it is useless to make any reference to committees. I am anxious to meet the question at once; the question which has been at issue for years, and decided by a majority of 13,000 at the ballot boxes.

Mr. Porter, of Northampton, said that it was intimated yesterday, when the amendment of the gentleman from Beaver was proposed, that the reference of the various articles of the Constitution to standing committees, would not prevent the consideration of that instrument in committee of the whole; and many gentlemen had voted for the reference under the belief that this would be done. The consideration of the Constitution in committee of the whole, was a matter of great importance. In this mode, the views and feelings of the various members would be made known, and much information elicited and light given to the committees, who could not fail to be benefited by the discussion. There are none so wise, but have much yet to learn; and, in the freedom and latitude of discussion allowed in the committee of the whole, we should be all benefited and improved. The Convention had already resolved to proceed to the second reading and consideration of the resolution, and the only question was, whether it should be done in convention, or in the committee of the whole? Some gentlemen appeared apprehensive that the matter was to be decided at once, without deliberation. This would hardly be the case. Everything in the Convention was discussed pretty much at length, and the probability was, that in committee of the whole, where gentleman could speak an unlimited number of times, the matter would be still more fully gone into. The discussions in committee of the whole, and the deliberations of the committees could progress simultaneously; and the truth was that the Convention were now to decide, whether they were to instruct the committees, or the committees to instruct the Convention. For his part, he wished an expression of the opinion of the Convention before the committees reported, as their reports might be made up without having all the views of delegates; and, when once made, every one knew the weight they could carry with them.

Mr. Fuller did not wish to go into committee of the whole, unless the sense of this Convention be, that it is expedient so to do. But he thought gentlemen had not understood each other. He thought that the proposition of the gentleman from Beaver (Mr. Dickey) was adopted with the understanding that we should then go into committee of the whole, for the purpose of instructing the standing committees. Now, another proposition was started by the gentlemen from Beaver and Franklin.

Mr. Dickey was opposed to going into committee of the whole, not only on this day, but at any other time, for the purpose of debating resolutions the moment they were offered. If we should resolve ourselves into the committee of the whole, we should find ourselves discussing, not the Constitution committed to our charge, but the resolutions of the gentleman from Butler, and he knew not what other propositions. The gentleman from Fayette (Mr. Fuller) seemed to think that there was some inconsistency in my course: but that gentleman should recollect, that in the debate on the resolutions I had the honor to offer to the consideration of the Convention, I did not accede to the positions of the gentleman from Philadelphia, (Mr. Scott,) an gentleman from Franklin, (Mr. Dunlop,) that we should, at an time, go into the committee of the whole, before the committees reported. Besides, if the Convention determined to take this course the resolutions of the gentleman from Butler ought to be printed, as be before the Convention, in order that delegates might have time reflect upon them.

Mr. Forward said that he desired to give every gentleman privilege of bringing forward his views on all subjects connected with the Constitution in committee of the whole. He wished to have full and free discussion, at the proper time, of their resolutions; but he was not now for entering into the discussion, nor was he as soon as morrow or next day: he did not wish to rush into the debate. T
alteration of the Constitution was a serious matter; it ought to be approached with reflection, and a desire to consider upon the consequences of every step. He had no idea that the work in which we are engaged was to be done hastily. Let the proposition be printed—let there be time for reflection; but let us not rush blindly into debate and action on questions so important.

Mr. BROWN, of the county of Pennsylvania, said he was indifferent whether the motion was postponed for the present or not; but if it was understood or intended to put off the consideration of the subjects contained in the proposition of the gentleman from Butler, until the standing committees had time to report what amendments they might think ought to be adopted by the Convention, he would resist any such delay. They were told, he said, yesterday, by the friends of the standing committee project, that if these were agreed to, that the Convention would still go on to discuss the several propositions and amendments that might be offered; and if it was desired, the committees could be instructed what amendments to propose. He thought then it was but to lull the friends of free and fair discussion, until these committees were appointed; and now he felt the truth of his suspicions. Is it, he says, intended to stifle the voice of the Convention—to postpone to the last what ought to be done at the first? In all candor and in all fairness, give to every member an opportunity to state the amendments his constituents desire and will approve: and where can it be better delivered than in this hall—here, in open discussion, before the assembled representatives of the State? Will it be better heard and considered before a committee of nine of this body, who, perhaps, may all differ in their views from the rest of this Convention? I said Mr. B., will submit to no such tribunal: here, in this hall, I will be heard, and this Convention shall determine whether what my constituents ask, shall be granted or refused: I will submit to the judgment of no other jury; and, sir, with no disrespect to your appointment, a “packed jury,” known beforehand to have prejudged the case, and declared against all reform—all amendments. Mr. B. said he stood there the friend of sound and substantial reform: he was there to demand of that Convention to restore to the freemen he represented, the rights, privileges and liberties of which they had been unjustly deprived; and gentlemen mistook them and him, if they expected to rivet their chains, or crush his voice by the reports of committees prepared for the purpose. He called, he said, on every friend of reform, no matter how much or how little reform he desired, to resist this attempt at forestalling the judgment of the Convention. He hoped they would not suffer themselves to be led any farther into the snare of the opponents of all reform. He trusted they would come out now, and make the committees hear and feel their voice, whatever that voice might be.

The gentleman from Allegheny, said he, says we are not ready to express our opinions on the various propositions for amendments—that his mind had changed since his arrival here by conversation out of this Convention. I fear these influences out of this Convention will go farther to control the actions of the Convention, than all that is said in it; and it is now, before these influences have warped or bound the minds and judgments of members, that I am anxious we should here reason with each other, face to face: this is what we were all sent here for; not to divide ourselves into committees secretly to be influenced, and then secretly to influence others. We have seen already how difficult it is to effect any change in the report of a committee, even when it was agreed by all that change was necessary; we have seen what shifting, doubting, and secret out-of-door working was necessary to get clear of the decision of this Convention, for the purpose of carrying out the report of this committee—I mean the report of the committee on rules relating to the standing committees. Will gentlemen then, with this experience before them, suffer themselves to be deluded into the toils of other committees, who, from their very composition, will, unless otherwise instructed, report no amendments, or only such as would be but an insult to the people of Pennsylvania to offer for their adoption?

Mr. MERRILL, of Union, said: My peculiar situation induces me to speak. I was yesterday in favor of going into committee of the whole. The Convention decided otherwise; and I always submit to the majority: I learned so much republicanism in my youth. My own propositions were offered, without expecting them to be considered more. The gentleman before me (Mr. Ingersoll) was yesterday opposed to a committee of the whole, but to-day seems to think it not so bad a thing. The proposition of the gentleman from Butler (Mr. Furviace) may be amended, and other propositions heaped on them, till we shall come into inextricable confusion. I am opposed to going into the consideration of these propositions till the committees shall report. We can then take up the reports as starting points, and as matters to be considered, amended, or adopted. I am, besides, opposed to this continual change of course of procedure: when the Convention has determined to pursue a course, I like to have it adhered to. Besides, why should we instruct a committee? What is the use of a committee, if we tell them what to do?

I am glad to hear the gentleman from Allegheny (Mr. Forward) say he was not ready to vote on these propositions: I refused to be ready before I was elected: I came here to gain information—to hear all that can be urged, and after full consideration to decide. Those things are too important to be decided in a hurry. I am, therefore, in favor of the postponement.

Mr. BIDDLE said that the question pending was, whether the Convention should go into committee of the whole immediately, and before the resolutions offered by the gentleman from Butler were printed. That no disposition existed to oppose a full consideration of every amendment that might be proposed, either in committee of the whole or otherwise, at a proper time. That all other resolutions on kindred subjects had been ordered to be printed for the use of the delegates, and he saw no reason why those in question should not take the same course. That he was not prepared to vote on any question touching the Constitution, until he had an opportunity of examining it calmly, carefully and cautiously. That he would approach the subject with reverential respect. That the Constitution of 1776 had been formed in the midst of the revolutionary struggle: that necessarily it had been formed without the advantage of that cool reflection which the importance of the subject required: that, after an experience of fourteen years it had been found defective, and the Constitution of 1799 had been adopted: that its authors were enlightened statesmen-
and pure patriots, who would reflect honor on any age or country; that it had been in operation forty-seven years; that under it we had prospered: that law, order, virtue and religion had prevailed: that personal property had been respected, individual liberty sustained, public faith maintained inviolate, and that the credit of the Commonwealth had been unquestioned: that the heavy hand of oppression had not been felt. He asked where had there existed a government productive of greater blessings? He glanced at the convulsed state of Europe—of England particularly, and of South America. He asked which of the sister States had enjoyed a better government? He then inquired what were the evils that demanded reform. That he would consent to no change that was not, by clear argument, shown to be an improvement.

He said that the passion of the day—the characteristic of the times, was a love of change, merely for the sake of change—a disposition to pull down a fabric tried and found to be good, to venture on the experiment of raising some new structure in its place. That insubordination had been charged, by the enemies of republics, on them as their natural tendency: that they could not stand the test of time. That he considered the fact that the Constitution had endured forty-seven years, of itself an argument in its favor: that the people were familiar with its provisions, had grown up under it, and that to its habits they were accommodated. He said, let it not be said that the people have decreed that the Constitution shall be changed: not so—they have only determined that it shall be revised—they have reserved to themselves the ultimate decision. Let us, then, proceed with great care—turbulct nothing lightly. He concluded by saying that he could send up to Heaven no more devout aspiration than that our children may have as much reason to be grateful to us for the work of our hand, as we have to bless those who formed the present Constitution.

Mr. M'CAHEN said he was much gratified that the subject under consideration had afforded gentlemen an opportunity to express their opinions, and give their views upon the proposed amendments to the Constitution: he was not a little surprised to hear gentlemen announce that they were unprepared to enter into an examination of the various questions, when it was notorious the alteration of the present Constitution had agitated the public mind for near thirty years: the people had, in their sovereign capacity, by near 13,000 votes majority, determined in its favor, and it was but just to expect every member of this body prepared to act upon the various propositions. He was not surprised to hear the high eulogies passed upon the matchless Constitution, by the gentleman from the city: that gentleman had not felt, in his sphere of life, any of the inconveniences of the present fundamental laws of the Commonwealth; but there was a class of society—and from the humble position which he (Mr. M'Cahe.n) had occupied, he knew and had personally felt many of the inconveniences of the present matchless instrument. When first entering into life, the first vote he ever uttered was upon age, and that was denied, because he had no property representative: he had, however, availed himself of an advantage; and, believing he was acting agreeably to law, tendered his vote to another inspector, who put a different construction upon the law, and received his vote.

It was upon the knowledge he himself had of the unequal operation of the Constitution, that he was so anxious that a change should be made: he would have the laws equal, and adapted to the capacity of the whole people.

Mr. AGNEW said he felt sorry that that gentleman had identified the proposition now before the house, with the question of reform or no reform. If the character of any gentleman's opinions could be gathered from the vote of his constituents, his own were nineteen-twentieths for reform—that being nearly the proportion of the vote of his constituents: yet he was in favor of the postponement. Sir, I am not ready to commence the examination of this subject immediately: I wish to see and read the various propositions which have been made to us: I wish them printed in some tangible shape, that I may take hold of them and consider them. Other gentlemen may have tenacity of memory to retain so many and various projects; I have not. Words, sir, are but the fleeting shadows of ideas, sent forth upon the wings of intellect, fleeting over the mind for a moment, and then vanishing, perhaps forever. I, sir, am not ready to fall pell-mell upon the Constitution, and, with irreverential hands, tear it to tatters, without deliberation and without reflection. I hope, therefore, sir, that we shall be permitted to read the various propositions, and to deliberate. Besides, sir, we have many of the preliminary amendments of this Convention yet to finish. Our rules are not adopted committees are waiting to report upon subjects necessary to set us fairly in motion. I am, therefore, opposed to being hurried into committee of the whole, and hope that the motion to postpone will prevail.

Mr. SILL said that he was against the motion to go into the committee of the whole, for the purpose of discussing the amendments to the Constitution, before the subjects had been referred to the several committees that had been appointed, and reported on by them. So far as I have any knowledge on the subject, (said Mr. S.) it is always the practice in legislative bodies, to refer all matters to the examination of committees, before they receive the action of the house. This is a safe and judicious practice: it is one of the best securities against improvident or injudicious legislation: it gives the whole house the benefits of the researches and examination of the committee to whom the subject is referred. If this practice is found to be necessary and beneficial, in legislating on matters, even of small importance, how much more necessary and important is it that it should be observed in the present case, which concerns business of more importance than has ever before been transacted by any assembly within these walls? I am not for commencing this business with precipitancy and haste. If changes are made in the Constitution, they should be made with all that care and circumspection, and with all those safeguards, which are usual in legislative proceedings.

What are the reasons alleged against this mode of proceeding? It is said, that the opinion and report of a committee will have much weight with the house—that it will be conclusive in its effects, and cannot be resisted, whether the principles of it are right or wrong; This assuring does injustice to the intelligence and independence of the members of this Convention. Is there a single member of this body who will vote against his own deliberate opinion, and in favor of the report of a committee? I do not believe there is.
CONVENTION PROCEEDINGS.

(Continued from Wednesday.)

So far as I have been able to understand, (said Mr. S.) a majority of this Convention is in favor of some amendments to the Constitution. I am, myself, in favor of some amendments: but I am for proceeding in the deliberation of these subjects, with all that caution and prudence which the importance of the case requires. I hope, therefore, that all the subjects contained in the resolution now before the Convention will be referred to them as separate committees, and be by them examined and reported upon, for the action of the Convention.

Mr. EARLE said that if the constituents of the member from Beaver, (Mr. Agnew,) who inhabited a portion of Pennsylvania bordering on Ohio, a State whose institutions were essentially different from those of Pennsylvania, had made up their minds in favor of a change of our Constitution, eighteen months ago; and had manifested that opinion by giving a vote of 20 to 1 for a Convention, as the gentleman had stated he presumed that it was because, from intercourse and observation, they were aware of some features in the Ohio Constitution better than those in that of Pennsylvania, and that they wished those features introduced into our government. He was anxious to know what were the changes which the people of Beaver county had in view. He presumed that they had selected representatives, knowing their feelings and views, and he was anxious, by going into the consideration of the resolutions, to give those representatives an opportunity of enlightening this Convention and its committees on the subject.

He had observed that the county of Erie, which joined both New York and Ohio, had given a vote of 100 to 1 in favor of the Convention. He considered the people of Erie as good judges of the comparative advantages of our Constitution, with those of the two States mentioned. He was anxious to give the member from Erie (Mr. Sill) an opportunity to enlighten the members of the centre and of the east, by stating what were the changes that his constituents had in view.

A gentleman of the city (Mr. Biddle) had professed his profound veneration for the present Constitution, and those who made it, and his reluctance to changing it. He (Mr. E.) had never been accustomed to revere any form of words, because it was a form of words—no piece of parchment, because it was a piece of parchment, and not a book merely because it was a book. The gentleman assumed the Constitution to be good, because certain men had made it. This was putting the cart before the horse. Instead of deducing the goodness of the work from the excellence of the makers, we ought to ascertain first whether the work was good or bad, and from the result of this investigation, determine on the skill or want of skill of those who framed it. The gentleman appeared to venerate the work because it was made some fifty years since. This reminded him of the engineer who venerated and determined to use a steam engine of the form used fifty years ago, in preference to those of the present day.

He (Mr. E.) was rather disposed to go with the gentleman from the city, (Mr. Baldwin,) in taking advantage of the improvements of modern times; he would profit by experience and discovery.

He could not commend the manner in which the present Constitution was introduced, as the gentleman had done. What were the facts? Was the present Constitution the voluntary work of the people, or the work of tyranny and usurpation? He thought it was the latter. It was never the people's Constitution. The patriots of '76, in a Convention, having for its President the illustrious Franklin, whose maxim was, that "where annual elections end there tyranny begins," had made the original Constitution of Pennsylvania. They had provided, in that instrument, for the mode of its amendment, through a council of censors. That Constitution, democratic in its character, had passed, unchanged, the ordeal of one council of censors. The time for electing another council was near at hand, so that the people could, in the regular mode, determine whether they would change the Constitution. A party was in the ascendancy in the Legislature, which was unwilling to trust the people. That party would not wait for the choice of the censors, but, by an act of usurpation, called a Convention, giving but four weeks' notice of the election of delegates—a time scarcely sufficient, at that period, for the transmission of intelligence to all parts of the State, and wholly insufficient to enable people to understand the amendments proposed, who were the candidates, and what their sentiments. The Convention so elected, proceeded to form a Constitution; but it did not, as it should have done, and as was done in other States, submit that Constitution to a vote of the people, for ratification or rejection. It preferred the course of ratifying the Constitution by the formality of a procession, marshing from the State House, in Philadelphia, to Centre Square, and thence back again, accompanied by much idle pageantry. The Constitution so made, and so put in operation, had never pleased the people. Attempts were early made for its amendment. They failed, through the arts which tyranny and aristocracy always use—the arts of deception. The people were uniquely told, that the friends of reform were agra-rians; that they would destroy title deeds, and produce ruin and confusion. They were deceived for a time; but, as is generally the case, they, in the end, judged wisely. They had called this Convention, and it was for us to do their will.
The gentleman had said, that the people were happy under this Constitution. It might be so with him, but it was not so with others. It was because they felt oppression that they had called the Convention. The poor man's son, between the age of twenty-one and twenty-two, had been refused his vote, while the rich man's son had enjoyed the right of suffrage. Hordes of life-officers had been commissioned; some of them were made justices, because their standing was such that they could get no post by the votes of the people. These men had oppressed the poor: they had sent the poor man to prison, under unjust judgments in civil, or frivolous complaints in criminal cases; they had released them on the payment of extravagant charges of costs. The gentleman from Philadelphia had not felt these grievances, because his standing in life made him too formidable to be attacked in this way.

The delegate had spoken of the peace, order, and prosperity of the States, compared with the condition of foreign and despotic countries. Why was there disturbance and discontent abroad? Because the governments were not in the hands of the people. Why was there more order and content, and stability of laws in those American States, where all officers were chosen annually, or for short terms, than anywhere else? Because the people enjoyed practical sovereignty. In those States, the Constitutions had stood the tests of repeated ordeals. He wished to assimilate the Constitution of Pennsylvania to them, not doubting but the result would be the decrease of party strife, of discontent, and of oppression; and the increase of content, prosperity, and happiness.

The remarks of Messrs. Ingersoll and Stevens will appear tomorrow.

THURSDAY, MAY 11, 1837.

The Convention was opened with prayer by the Rev. Mr. Speaker, of the Lutheran Church.

The proceedings of yesterday having been read, the Convention resumed the consideration of the motion to postpone the motion to go into the committee of the whole, and the resolution of Mr. Purvis of Virginia relative to amendments of the Constitution.

Mr. DUNLOP said that the more he reflected on the subject, he was satisfied that his motion yesterday to postpone the question was right. When the gentleman from Butler first offered his proposition, he thought they contemplated some definite action by the Convention, but it was only necessary to examine them, to be satisfied that they did not. The instructions which they would give the committees, if we passed them, were vague and indefinite. Take for instance the first proposition on the subject of executive patronage, and it would be seen that it only affirmed what almost every delegate admitted, that the patronage of the executive ought to be reduced, but it did not declare in what way, how much, or in what particular. Supposing that we go into committee of the whole and pass it, what will it avail? What gentleman of the committee will consider it any instruction to him, in relation to any particular mode or manner that it was to be reduced? Some gentlemen are of opinion that the executive patronage should be reduced by taking from the Governor, the power of appointment: otherwise for taking away, or abridging the veto power. Some were for curtailing it, by requiring the action of the Senate upon all the appointments, and others were only for shortening the term of his office, rendering him ineligible the second term. To a committee containing these conflicting views, what instruction would the passage of this resolution give it? The passage of the resolution would amount to nothing, and the Convention would only be engaged in the discussion of vague useless propositions. We have passed a resolution instructing the committees to make no reports, and they can only report the articles with or without amendments. It is therefore useless to discuss these propositions, as every plan of amendment will be discussed when the several articles are reported to the Convention. It will be a waste of time. The resolutions, if passed, will pledge no one. If we now go into the committee of the whole on the naked proposition to reduce the executive patronage, we shall have endless propositions, without system or order, submitted: useless discussion on impracticable projects, which originated where

"Masses of molten lead
Have filled the cracks and crotches of the head."

Some gentleman had talked about the inconsistency of a delegate changing his mind. For his part, he hoped he should always change his mind when he was convinced that he was in error, and he could not have a very high estimate of any man, who was not open to reason and reflection.

Mr. M'DOWELL, of Bucks, said Mr. President, I have listened for three or four days, as attentively as a great degree of impatience would admit, to the arguments of the gentlemen for and against the proposition now before the House, and I have come to the conclusion to vote in favor of going into committee of the whole. I shall do so, sir, for various reasons, some of which I am free to confess are purely selfish. I believe it is better to do so, whether it is right or wrong in the end. If we had gone at once into this committee of the whole, three or four days ago when the discussion about it first arose, we should in all reasonable probability have been out of it by this time. Sir, I have taken the pains to make arithmetical calculations, and I have come by the force of figures, to the geometrical conclusion, that there is to be and will be delivered in and upon this Convention, four thousand seven hundred and eleven speeches. Now, sir, here is a most appalling prospect ahead! If any gentleman of this Convention wishes to know the data upon which this calculation is made, let him only revert to the past; to the time already spent here; add up the number of speeches that have been delivered; make the same liberal allowance for the future, and he will find my calculation correct. Sir, I think it is entirely immaterial as to what time, and under what circumstances the great number of those speeches are delivered, and it is useless to waste time in this Convention, in debating the propriety of either. Why, sir, we have been in convention here for nearly two weeks, and what have we done? We are not yet organized for business. Sir, the proposition now before the House, is an important one; it is a question of economy—the economy of time: a question which I think is likely to be of paramount
interest here, if we are to judge of the future by the past. If I had not learned before I left home what I was sent here for, most certainly I should have gained no information upon the subject, from any thing that has transpired in this body. Until yesterday sir, when a few threats were made in the shape of resolutions, I have scarcely seen or heard tell of the Constitution in this Convention. With great deference to the talent and taste which has been displayed upon this subject, I must say I am tired of it. Let us go to work; it is little difference how, turn us loose into committee of the whole—let those who have come to devour the Constitution, have their prey: let the speeches be inflicted upon us: let all the vials of wrath be poured out: we must meet it, and the sooner the better for the business of the Convention. There is a large amount of talent here that must be exhausted upon wild notions of reform. It is in vain to attempt to suppress or control it. Sir, these things must be. After the thunder and lightning is past, after the storm has spent its fury, a calm will ensue—the tempest will have purified the atmosphere, and the sober minded, the wise and thinking portion of the Convention can commence their work. They can restore the injured Constitution—give it to new life, new features, and in a few days the great work of reform will be accomplished.

Mr. DORAN said, he was a reformer. He came from a large, respectable and populous county; a county with one hundred and forty thousand inhabitants in which there was an overwhelming majority in favor of revising the Constitution, and he could not sit still and hear it said on the floor of the house, that the Constitution was a matchless instrument requiring no reform, and the Convention ought not to recommend a reform. What kind of language was that to be used, in such a place as the Convention. Do gentlemen imagine they can exercise a discretion on the subject of reform? The people did not entrust such discretion to the delegates. Wisely they submitted the matter to the test of the ballot boxes, and through those ballot boxes by a large and decided majority declared the Constitution was defective and required reform; and subsequently sent the delegates here to carry out their wishes by revising it. We must reform the Constitution, otherwise we fail in our duties. Nay, sir, so far have some gentlemen been carried away by their reverence for the Constitution, that they attribute all the present distress in the world to the fact that we are about to lay our unhallowed hands on the sacred instrument. Look at France, at England, at Spain, at Mexico, at Ireland, said one gentleman, and behold the effect of this spirit of reform. Certainly our Constitution is a most important instrument when the whole world shaks to the centre by the attempt to reform it. Such is the exaggerated language of those who oppose reform. Mr. D. said he was not of that school, he was one of those who was willing to keep pace with the intelligence of the age, and not cling to what was defective; because it was ancient and made by our fathers. Forty years ago the cry of reform was raised, it was echoed by Simon Snyder and by every true friend of the people, and after years of difficulty it at length triumphed. Our duties are there, fore plain and simple. Let us then without further delay, discharge our duties, by resolving ourselves into a committee of the whole, where we can discuss and consider the amendments required in the Constitution, and lay down principles to govern the standing committee in framing their reports. This appears to be the best way to obtain an expression of opinion from every delegate, and especially as the complexion of the committees appointed by the chair, could not but be dissatisfaction to the party to which he (Mr. D.) belongs, several counties have no representatives on the committees, and while the city of Philadelphia with but 60,000 inhabitants has six delegates on committees, Philadelphia county with one hundred and forty thousand, has but five. The gentleman from Adams (Mr. Stevens) intimated when speaking of the judiciary committee, that none but lawyers should, in his opinion, be on that committee, and violently intimated that none others could make a good Constitution. Although he (Mr. D.) belonged to the legal profession as well as the gentleman from Adams, and believed it to be both learned and honorable, he was not disposed to think so badly of the intellect and judgment of the rest of his fellow citizens, who did not belong to that profession as that gentleman. Let it be recollected that Washington, whose abilities were never before questioned, was not a lawyer, but a plain and honest farmer. Even Benjamin Franklin, he who drafted the first Constitution for free Pennsylvania; (and an excellent one it was,) was not a lawyer, but a plain farmer. It were to be wished, there were more farmers and fewer lawyers on the judiciary committee, and perhaps then we might have a report that would satisfy the sterling yeomanry of Pennsylvania, the bulk of whom are industriously engaged in the honorable occupation of tilling the earth. Mr. Doran concluded by saying he wished the work of reform speedily done without burdening the people with much expense—the Convention should not procrastinate, but hasten their labours—and such being his wishes, he would vote in the affirmative on the question for going into a committee of the whole.

Mr. COX, of Somerset, said that there was some opinions, which had been thrown out by the gentlemen from the other side of the House, from the county of Philadelphia—and especially by one, who came from the suburbs, that perhaps might claim a notice, in consequence of the station the gentleman held here, but he was not certain that this fact rendered them worthy of notice. He said that he had been told, that the gentleman had spent much time in looking over the list of committees, and comparing it with the list of delegates, in order to be able to find fault. He did not know, whether that gentleman had been placed on any of the committees, if he had not been, the gentleman’s complaints were owing to disappointment: if his name was on the list of committees, the gentleman was probably dissatisfied with his place. That gentleman is a radical, and perhaps a good specimen of the English radicals, that although of foreign origin, thrive well in the suburbs of our great cities. The doctrine of that school of politicians, were not the wholesome doctrine of the democratic yeomanry of the country, who were always governed by sober reason. Why was the gentleman so eager, to get hold of the Constitution? Why was he in such haste to lay violent hands upon it? Was it because he feared he should be convinced by argument? He had supposed that when any thing important was to be under consideration, reflection and consideration were necessary; that it was not best to rush upon it, without listening to reason. Those who dreaded,
The debate was broken off by Mr. Porter, of Northampton, who withdrew his motion, in order to allow the committee on printing to report.

Mr. DILLINGER from the committee to whom was referred the resolutions in relation to the printing of the Journals and debates of the Convention, have had the subject under consideration, and agreed to report the following resolutions:

Resolved, 1. That the printer of the Journal in the English language, be directed to strike twelve hundred copies of the said journal and the minutes of the committee of the whole, on good paper, in medium octavo form.

2. That the printer of the journal in the German language, be directed to strike twelve hundred and fifty copies of said journal and minutes in the same form.

3. That the printer of the debates of this Convention, in the English language, be directed to strike twelve hundred and fifty copies of said debates on good paper, in royal octavo form, the yeas and nays in solid paragraphs.

4. That the printer of said debates in the German language, be directed to strike twelve hundred and fifty copies in the form and manner aforesaid.

5. That the Secretaries of this Convention, cause the said journal and debates to be stitched, bound, and delivered into the office of the Secretary of the Commonwealth, to be by him distributed in such manner as shall hereafter be directed by this Convention.

Resolved, That the Secretaries are directed to pay as part of the contingent expenses of this Convention, the costs of two thousand seven hundred copies of the "Daily Chronicle and Convention Journal," in the English language, and one thousand copies in the German language, to be furnished during the sitting of this body, and to be divided among the members for distribution among their constituents.

Resolved, That the committee appointed to superintend the printing for this Convention, be directed to superintend the printing of the aforesaid Daily Chronicle.

Mr. DICKEY from the committee to whom was referred the eighth article of the Constitution, reported the same as committed without amendments, and in the words following, viz:

ARTICLE VIII.

OF THE OATH OF OFFICE.

Members of the General Assembly, and all officers Executive and Judicial, shall be bound by oath or affirmation, to support the Constitution of this Commonwealth, and to perform the duties of their respective offices with fidelity.

On motion of Mr. Dillinger, the Convention proceeded to the consideration of the resolutions, reported by the committee on printing.

Mr. STERIGERE moved to strike out "1,250 copies of the journals and journals of debates in English," and insert 3,000.

The motion was supported by Messrs. Sterigere and Chandler, of Philadelphia, and opposed by Messrs. Dickey, Stevens and Keim, when the amendment was lost.

The first resolution then passed.

The second resolution relating to the Daily Chronicle and Convention Journal, was supported by Messrs. Brown, of Philadelphia county, Chandler, of Philadelphia, Dillinger, Merrill, Reigart, Carey, Earle and Porter, and opposed by Messrs. Clarke, of Indiana, Sterigere, Mann, Banks, Smith, Cleavinger and Crawford.

The remarks of the several gentlemen on the above resolution will be given hereafter.
Resolved, That the committee on the first article, be instructed to inquire into the expediency of amending the Constitution as follows:

1. That the Legislature shall meet on the first Tuesday of January, annually, unless sooner convened by the Governor.

2. That each House may punish by imprisonment during their session, or by any less punishment, any person not a member, who shall be guilty of disrespect to the House, by any disorderly behaviour in their presence.

3. That each House shall keep and preserve inviolate, a journal of its proceedings.

4. That no law increasing the compensation of members, shall go into effect, until an election of the members of the succeeding Legislature shall have intervened.

5. That the Governor's veto power shall not extend beyond the suspension of any bill which he disapproves, and which if repassed by a majority of all the members elected, in the next succeeding Legislature, shall become a law without his signature.

6. That the heads of Department, (excepting the Secretary of the Commonwealth,) attorney general, and flour and other inspectors, shall be chosen by both branches of the Legislature in joint ballot, for the term of four years—and that the Governor shall fill vacancies which may occur in said offices during the recess, by temporary appointments, to continue in force to the end of the next session of the Legislature.

Resolved, That the committee on the second article, be instructed to inquire into the expediency of amending the same, as follows:

First. That the Governor shall hold his office for the term of four years, and be ineligible for the next succeeding four years; and that he shall be at least thirty-five years of age before his election.
Resolved, That the committee on the 9th article of the Constitution, be instructed to inquire whether any disqualification for holding office under the Commonwealth, should attach to any person, on account of his having been concerned in any duel, either as principal or second; or of having been convicted of any other crime or misdemeanor.

Mr. CAREY offered the following resolution, which was ordered to be printed, and laid on the table:

Resolved, That the subject of the conscientious scruples to bear arms, be referred to the committee on the ninth article of the Constitution.

Mr. RITER offered the following resolution, which was ordered to be printed, and laid on the table:

Resolved, That the Secretary of the Commonwealth, be requested to inform this Convention, what number of pardons have been granted qualifications for the exercise of the right of suffrage in the choice by the people of county, city, borough, or district officers, than those provided by this Constitution.

Mr. SELTZER offered the following resolutions, which were ordered to be printed, and laid on the table:

Resolved, That the committee on the 2nd article of the Constitution of this Commonwealth, be instructed to consider the propriety of reducing the official term of the Governor, to a term of four years in any term of eight—and the appointing power of the county officers to be elected by the people, in their respective counties in this Commonwealth, for a term of years.

Resolved, That the committee on the 5th article of the Constitution of this Commonwealth, be instructed to consider the propriety and to report to this Convention, the appointing power of the Governor, as relates to the appointment of judges of the several courts of this Commonwealth, and to have them appointed for a term of years, with the consent of the Senate.

Resolved, That the committee on the 1st article of the Constitution of this Commonwealth, be instructed to consider the propriety of reducing the official term of the State Senators, to a term of two years. The meeting of the General Assembly, shall meet on the 1st Tuesday in January in every year, unless sooner convened by the Governor.

Mr. THOMAS offered the following resolution, which was ordered to be printed and laid on the table:

Resolved, That the committee on the 8th article of the Constitution, be instructed to inquire into the expediency of so amending the 2d section of the said article, as that no person shall be compelled to perform any military service or duty, or pay an equivalent therefore, excepting in times of actual war or imminent danger.

Mr. CLINE offered the following resolution, which was ordered to be printed and laid on the table:
fourth degree by blood or by marriage, to such Governor, Judge or other officer.

8. All private legislation, or legislation referring to particular individuals, or authorizing private associations or corporations, shall be avoided, except in cases of peculiar emergency; and it shall be the duty of the Legislature to establish as far as practicable, general laws providing for all the wants of the community, equal in their operation upon all citizens.

9. All charters hereafter granted, shall be repealable by the concurrent act of two successive Legislatures, with such compensation, if any, as such Legislatures shall deem to be equitable.

10. No alteration or amendment of this Constitution shall ever be made, except with the ratification of the people at large, as expressed by a vote to be taken for the purpose. And all persons attempting to change the Constitution, without such ratification, shall be deemed guilty of felony, and punished by imprisonment at hard labor, for a term not less than seven years.

Mr. MILLER offered the following resolution, which was ordered to be printed and laid on the table:

Resolved, That a special committee be appointed to consist of one member from each Congressional district, to report to this Convention, such amendments as to them may seem best, to accomplish the great object we are delegated to perform;

Mr. DILLINGER offered the following resolution, which was ordered to be printed and laid on the table:

Resolved, That the committee on the 5th article of the Constitution, be instructed to inquire into the expediency of providing for a ratio of representation, compounded of cities, counties, and population in the House of Representatives of this Commonwealth.

1st. By the election of one representative by the citizens of each city and county.

2d. By a division of the residue of the number of representatives, according to the population of the several cities and counties.

Mr. BELL offered the following resolution, which was ordered to be printed and laid on the table:

Resolved, That the Secretaries cause to be printed for the use of the members of this Convention, two hundred copies of a tabular abstract of the provisions of the Constitution of the United States, and the several States—on the plan of the table published in the third volume of the Encyclopedia Americana.

Mr. PORTER, of Northampton, offered the following resolution, which was ordered to be printed and laid on the table:

Resolved, That the committee on the 6th article of the Constitution, be instructed to inquire into the expediency of altering the 2d section of that article, as to give the Legislature a discretionary power to dispense, if necessary, with military meetings, for trainings, except in times of danger and war; providing, however, for the enlisting and enrolling of all persons liable to be called into the military service of the country, in times of exigency; and giving due encouragement to volunteers.

Mr. McCAHEN offered the following resolution, which was ordered to be printed and laid on the table:

Resolved, That article 9th of the Constitution, ought to be amended in the first section, by adding to the same, "That the freemen of this State are competent and should be entitled to elect all officers established by this Constitution, and by the laws of this Commonwealth.

Mr. HASTINGS offered the following resolution, which was ordered to be printed and laid on the table:

Resolved, That the committee on the 1st article of the Constitution, be instructed to inquire into the expediency of amending that article, so that each county now in the State, shall have at least one member in the House of Representatives.

Mr. KONINGMACHER offered the following resolution, which was considered and adopted:

Resolved, That a committee of three be appointed to ascertain from the members of this Convention, the proportion of English and German Daily Chronicle and Journal of the Convention, best suited for the use of their respective constituents, in order that they may be properly distributed.

Mr. COPE offered the following resolution, which was considered and adopted:

Resolved, That a committee of accounts to consist of five members be appointed. Adjourned.

Constitution of the United States.

We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.—Section 1.

1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section II.

1. 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.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States, which may be included with this Union, according to
their respective numbers, which shall be determined by adding to the
whole number of free persons, including those bound to service for a
term of years, and excluding Indians not taxed, three-fifths of all other
persons. The actual enumeration shall be made within three years
after the first meeting of the Congress of the United States, and within
every subsequent term of ten years, in such manner as they shall
be by law direct. The number of representatives shall not exceed one
for every thirty thousand, but each State shall have at least one represen-
tative; and until such enumeration shall be made, the State of
New Hampshire shall be entitled to choose three; Massachusetts
eight; Rhode Island and Providence Plantations one; Connecticut
five; New York six; New Jersey four; Pennsylvania eight; Dela-
ware one; Maryland six; Virginia ten; North Carolina five; South
Carolina five; and Georgia three.
4. When vacancies happen in the representation from any State,
the executive authority thereof shall issue writs of election, to fill up
such vacancies.
5. The House of Representatives shall choose their Speaker and
other officers, and shall have the sole power of impeachment.

Section III.

1. The Senate of the United States shall be composed of two
senators from each State, chosen by the Legislature thereof, for six
years; and each senator shall have one vote.
2. Immediately after they shall be assembled in consequence of
the first election, they shall be divided, as equally as may be, into
three classes. The seats of the senators of the first class, shall be
vacated at the expiration of the second year; of the second class, at
the expiration of the fourth year; and of the third class at the expira-
tion of the sixth year; so that one third may be chosen every second
year; and if vacancies happen by resignation or otherwise, during
the recess of the Legislature of any State, the Executive thereof may
make temporary appointments, until the next meeting of the Legisla-
ture, which shall then fill such vacancies.
3. No person shall be a senator who shall not have attained to the
age of thirty years, and been nine years a citizen of the United States,
and who shall not, when elected, be an inhabitant of that State for
which he shall be chosen.
4. The Vice President of the United States shall be President of
the Senate, but shall have no vote, unless they be equally divided.
5. The Senate shall choose their other officers, and also a Presi-
dent pro tempore, in the absence of the Vice President, or when he
shall exercise the office of President of the United States.
6. The Senate shall have the sole power to try impeachments.
When sitting for that purpose, they shall be on oath or affirmation.
When the President of the United States is tried, the chief justice
shall preside; and no person shall be convicted without the concurrence
of two thirds of the members present.
7. Judgment in cases of impeachment shall not extend further
to removal from office, and disqualification to hold and enjoy any
office of honor, trust, or profit, under the United States; but the party
convicted shall nevertheless be liable and subject to indictment, trial,
judgment, and punishment according to law.

Section IV.

1. The times, places, and manner of holding elections for senators
and representatives, shall be prescribed in each State by the Legisla-
ture thereof; but the Congress may, at any time, by law, make or
alter such regulations, except as to the places of choosing senators.
2. The Congress shall assemble at least once in every year, and
such meeting shall be on the first Monday in December, unless they
shall by law appoint a different day.

Section V.

1. Each house shall be judge of the elections, returns, and qua-
difications of its own members; and a majority of each shall consti-
tute a quorum to do business; but a smaller number may adjourn from
day to day, and may be authorized to compel the attendance of ab-
sent members, in such manner and under such penalties as each
house may provide.
2. Each house may determine the rules of its proceedings, punish
its members for disorderly behaviour, and with the concurrence of
two-thirds, expel a member.
3. Each house shall keep a journal of its proceedings, and from
time to time publish the same, excepting such parts as may in their
judgment require secrecy; and the yeas and nays of the members of
either house, on any question, shall, at the desire of one-fifth of those
present, be entered on the journal.
4. Neither house, during the session of Congress, 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.

Section VI.

1. The Senators and Representatives shall receive a compensa-
tion for their services, to be ascertained by law, and paid out of the trea-
ury of the United States. They shall, in all cases, except treason,
felony, and breach of the peace, be privileged from arrest during their
attendance at the session of their respective houses, and in going to or
returning from the same; and for any speech or debate in either house,
they shall not be questioned in any other place.
2. No Senator or Representative shall, during the time for which
he was elected, be appointed to any civil office under the authority of
the United States, which shall have been created, or the emoluments
whereof shall have been increased, during such time; and no person
holding any office under the United States shall be a member of either
house during his continuance in office.

Section VII.

1. All bills for raising revenue shall originate in the House of Rep-
resentatives; but the Senate may propose or concur with amend-
ments, as on other bills.
2. Every bill which shall have passed the House of Representa-
tives and the Senate, shall before it becomes a law, be presented to
the President of the United States; if he approve, he shall sign it;
but if not, he shall return it with his objections, to that House in
which it shall have originated, who shall then consider the same.
If he shall return such bill, or a proposition of amendment thereto, to
that House, it shall not be passed without further action on the part of
that House, nor shall such bill return to the House in which it origi-
nated, to be reconsidered, unless by the concurrence of two-thirds of
that House.
3. Every order, resolution, or vote, to which the concurrence of
the Senate and House of Representatives may be necessary, (except
on a question of adjournment,) shall be presented to the President of
the United States; and before the same shall take effect, shall be ap-
proved by him, or being disapproved by him, shall be passed by two-
thirds of the Senate and House of Representatives, according to the
rules and limitations prescribed in the case of a bill.
FRIDAY, May 12, 1837.

After prayer by the Rev. Mr. Winebrenner, the journal of the preceding day was read.

Mr. HIESTER offered the following resolution, which was considered and adopted:

Resolved, That all the propositions of amendment to the Constitution, submitted by the different members of the Convention, which are not imperative, but are submitted in the nature of suggestions or enquiries merely, be referred to the committees thereby specified respectively, or where the committees are not specified, to such of them as the subject matter of the several propositions indicate that they are most appropriately referable to.

On motion of Mr. CHAMBERS, 200 copies of the rules of the Convention were ordered to be printed.

On motion of Mr. EARLE, the Convention proceeded to the consideration of the resolution for the appointment of a committee on the subject of future amendments.

The resolution was agreed to.

FOURTH ARTICLE:

Mr. CLARKE, of Indiana, from the committee to whom was referred the 4th article of the Constitution, made the following reports, both from the majority and minority, which were ordered to be printed and laid on the table.

MAJORITY REPORT.

The majority of the committee to whom the 4th article of the Constitution was referred, respectfully report:

That they have had the subject under consideration, and report the said article without amendment.

JAMES CLARKE,
JAMES C. BIDDLE,
ANDREW RAYNE,
SAMUEL CLEAVINGER.

FIRST ARTICLE.

Mr. DENNY, from the committee on the first article of the Constitution, reported as follows:

That it is inexpedient to make any alteration in the 1st, 3d, 4th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, and 21st sections of said article.

That the 10th article be so amended as to read as follows:

The General Assembly shall meet on the first Tuesday in January, in every year, unless sooner convened by the Governor.

Mr. REIGART, offered the following preamble and resolution, for consideration.

Whereas, under Divine Providence, the unexampled growth of this Commonwealth, in population, wealth and resources, has in a great degree arisen from the industry of her citizens, the republicanism of her institutions, the impartiality of her laws, and the uprightness, firmness and integrity of an independent judiciary; Therefore, be it

Resolved, That the standing committee of this Convention, to which is referred the fifth article of the Constitution, be instructed to report the same without amendments.

ELLiotT’s DEBATES.

Mr. EARLE moved to suspend the orders of the day, for the purpose of moving a reconsideration of the motion yesterday rejected for the purchase of ten copies of Elliott’s Debates, with a view to move a smaller number. After some conversation on the question, whether the motion was in order, the motion was rejected.

PROPOSITIONS OF REFORM.

The Convention resumed the consideration of the motion to postpone the consideration of the motion of Mr. Porter, of Northampton, that the Convention resolve itself into a committee of the whole on the following resolutions of Mr. Purviance:

Resolved, That the standing committees on the several articles of the Constitution, be instructed to report as follows:

1st. Against the re-eligibility of the Executive.
2d. In favor of a reduction of Executive patronage.
3d. In favor of a change in the time of meeting of the legislature.
4th. In favor of a change in the official tenure of the Judiciary.
5th. In favor of electing all county officers.
6th. In favor of dispensing with a tax qualification in the right of suffrage.

7th. In favor of dispensing with, or further restricting, the veto power of the Executive.

8th. In favor of future amendments.

Mr. COX, of Somerset, who was entitled to the floor, resumed his remarks on the subject, in reply to the gentleman from the county of Philadelphia (Mr. Doran,) who spoke yesterday. He referred to the vote given at the last election, to show that the constituents of that gentleman were not so much in favor of reform as had been represented. The aggregate majority of the city and county of Philadelphia, he stated, was opposed to the reform candidate, and in favor of that candidate (George Wolf,) whose declarations had been hostile to any change of the Constitution, which he had termed “a matchless instrument.” He supported this position by “going into a calculation,” which, he remarked, was said by Jack Downing, to be the best mode of argument. The anxiety for reform now manifested in that quarter, was of new origin. One of the most zealous and undisguised reformers of the county of Philadelphia, was, he said, at that election defeated, and left in a small minority. This was some evidence that the people of that county were not so anxious for a reform as they had been represented to be. He inferred, from these votes, that even the party obligations of the gentleman’s constituents were disregarded in their opposition to the principles of reform.

Mr. C. asked why the majority of the city and county of Philadelphia, had been reduced from three thousand to five or six hundred? There might be various ways of accounting for this falling off, Some might attribute it to the ruined policy of the national administration. But the worthy gentleman would not admit this. Will it be alleged, that the registry act prevented many illegal votes from being received? Hardly; Because this would be an admission of the statement which he yesterday made, as to the illegal voting received there. If it was neither the ruined policy of General Jackson, nor the operation of the registry act, which prevented the party from adhering to their regular candidates, then it must have been from their opposition to reform. Let the gentleman take either horn of the dilemma. Notwithstanding the straights of party discipline, their constituents would not vote for those candidates who were in favor of any change in what Governor Wolf called the “matchless instrument”—our Constitution.

As to the question of reform, he (Mr. C.) was of opinion, that some ought to be made, though he would not, perhaps, agree with the gentleman in the measure of reform which he advocated. He adverted to the invective remarks made yesterday upon the composition of the standing committees of this body. One gentleman called them packed committees—another said that they were all lawyers. The gentleman from the county of Philadelphia, (Mr. Doran,) said he was driven to the conviction that the committees had not been appointed impartially. He deeply regretted that so talented a gentleman had been neglected by the President, in his organization of the standing committees. If, as it had been said, the report of a committee would carry with it such overwhelming force, it was a matter of regret that the gentleman’s talents could not be employed in that way. But the gigantic powers of the gentleman might still be brought into exercise, in time to counteract the powerful influence of the reports, by the standing committees. For his own part, he would be extremely happy to be convinced, that what he deemed the radical doctrines of the gentleman, were correct; and he would assuredly act with that gentleman, in any proposition, should he be convinced that he was right. The gentleman might still have an opportunity to bring his views before the Convention, and he ought not to regret the circumstances, that he was not placed upon any standing committee. He hoped that he might yet be placed on some select committee, and at the head of it, in order that he might have an opportunity to enlighten the Convention, on all the subjects before it, by a general report. The gentleman, he thought, had fallen into some mistake in his facts; but this might be the result of that inattention to small matters, which is often the characteristic of great minds. Mr. C. related an anecdote of Daniel Webster’s carelessness, in illustration of his suggestion. The gentleman had stated, that there was no member of a committee from the county of Washington. But, in fact, two members from that county had been placed on committees. He proceeded to review several of the committees, for the purpose of showing that upon each there were several members, who commonly acted with that gentleman and his friends. Mr. C. continued his remarks, in vindication of the chair, from the charge of partiality in the organization of the committees.

Mr. DORAN, complimented the Convention on the billingsgate style, in which they had been addressed by the gentleman from Somerset, and was about to animadvert on the erratical manner and foul language of the last speaker, when he was interrupted by the President of the Convention, who informed him that it was not in order to use language of that character in debate.

Mr. DORAN appealed to the chair, and asked if he was not justified by the personal attack which had been made upon him.

The President repeated that the course of the gentleman was not in order, and stated that he considered both the gentlemen as having gone too far.

Mr. DORAN then proceeded to remark with severity on the manner in which the gentleman from Somerset had attacked his principles; the county of his residence, and his constituents;—asserting that he was delighted and proud to belong to Philadelphia. As to the fraudulent practices which the gentleman had spoken of as practiced in the ballot boxes, and the importation of votes to influence the elections, he declared that these frauds had been committed by the party to which that gentleman belonged; and that the gentleman had committed a still greater error in locating him (Mr. Doran) in the Third Congressional District, where these frauds were perpetrated, while in fact, he belonged to the First District. He advised the gentleman to defend his own constituents, which would give him work enough,
and reminded him that the question of calling a Convention was carried in the county of Somerset, by a majority of one, in spite of all the efforts made by that gentleman to defeat it. He then compared the gentleman to Don Quixote whose imagination created the shadows against which he delighted to display his strength. He hoped it would be made known to the people, that the gentleman had delivered himself of a long-winded speech, which would cost them about a thousand dollars; and said he was warned by an editor, friendly to the gentleman, that the attack which had here been made upon him, was to be expected, and compared the effect of the attack to that of reading the riot act, as it had rapidly dispersed the members. Denying any intention to cast personal imputation on the President, he complained that while the Convention was so equally divided, the committees should have been so unequally distributed among them, and concluded with assuring the Convention, that he would not be driven from his course by such personalities as had just been levelled at him.

Mr. BROWN, also defended the county of Philadelphia, against the attacks made upon it by the gentleman from Somerset, and appealed to the Convention for its testimony, in favor of the gentlemanly bearing and general courtesy, which had distinguished the members from that county, from the beginning of the Convention, while they had been doomed to endure the taunts and sneers of gentlemen on every side of them. While the opposite party claimed to possess all the decorum and respectability which could be found, that to which he belonged, was deemed as without dignity, reputation or talent. He waited to see if this idea was to be carried out in the acts of the Convention by the exclusion from office, of all who did not come up to their own standard. He declared his intention to defend himself as well as his constituents, against any attacks which might be personal. It was clear to him, that the object of those who made these attacks was to break down the influence of the county of Philadelphia, in the proceedings of the Convention, as it was secretly whispered that the representation from that county was too large, and that it was necessary to break it down.

He complained of the conduct of the gentleman from Somerset, in going behind the representatives of the county of Philadelphia to assail them, and asserted that abuses and violence had been resorted to more commonly in the city of brotherly love than in the county. He knew of no English radicals in the county, but knew of the descendants of Ireland. He believed there were no men, in whose veins the warmth of hospitality was more blended with the ardour which impels to the noblest acts of daring, than in those of the sons of the Emerald Isle. Neither did he, nor any one else, go into Somerset, and say that the inhabitants were resurrectionists, and dug up the remains of their dead, and exhibited them as the remains of Morgan. No one had made such charges, although rumors were rife on the subject. Did any gentleman from the county of Philadelphia, bring forward the circumstances of the proposition in Somerset, to lynch the Canal Commissioners? Why then was the county of Philadelphia assailed? What had the English radicals to do here? What had the ghost of Morgan? They were alike irrelevant and unwarrantable.

As to the resolution, it would be conceded that it was the time the subjects were all before the committees. Some reports had been made this morning in a manner so hasty, as to leave the impression that the reports were made to prevent instructions from being sent to their committees.

Mr. Dickey explained that the reports had been made in conformity with the instructions of the committees.

Mr. BROWN said, he believed the committee on the 5th article (the Judiciary,) would report before any instruction to act would be adopted. It had been said that a great majority of this committee consisted of lawyers. He believed gentlemen of that profession were as liberal and enlightened as any men—but they were too much attached from habit to established institutions. They were too much accustomed to bow to antiquity. He could not, however, be one to detract from the high character of the Philadelphia and the Pennsylvania bar. He alluded to the course of the Court in one of the counties of this State, which had, in consequence of the absence of two lawyers, postponed most of the cases, and when a proposition was made to refer a case to three lawyers, the Court said it should be referred to one lawyer and two honest men. He could not himself, object to the reference of the judiciary question, to a committee similarly mixed up with lawyers and one honest man, although he apprehended that a report might be made, which would not be precisely in union with the wishes of the people. It was, he believed, too late to send instructions to this committee, but he warned the Convention of the necessity which exists for breaking in upon the executive tenure of office, and of restoring to the people some of their lost rights. In relation to the executive committee, he knew not, when every gentleman would be satisfied as to the pernicious extent of the executive patronage, why objections should be made to an instruction to limit that patronage. He spoke of the right of the people to elect their magistrates, and ridiculed the idea that the citizens of a township would go out of the township for their officers. He maintained not only the right of the people to govern themselves, but also their entire competence for self-government. Believing that this doctrine was subscribed to by the intellect of every man, he knew not why there should exist any objection to instruct the committees on this point, and to instruct them at this time. He threw out some views on the subject of the right of suffrage, and declared that far too much power was exercised in the legislature in reference to the taxing of the people. Even on the subject of the right of free blacks to vote, he had made up his mind; and although he would not now state the views he entertained, he wished this point to be settled by the people, and not left in the hands of the legislature, which would at all times be ready to stretch the power entrusted to it, to the utmost. The tendency of the past proceedings of the Convention had been to ward off opinions rather than to elicit them, and he hoped that, without further loss of time, the committees would be instructed.

Mr. MERRILL replied to the observations which had fallen from the gentleman from Philadelphia county, for the purpose of repelling the objections which had been urged against lawyers being placed on committees.

[After Mr. Merrill had proceeded for a few minutes, Mr. Ingersoll raised a question of order on the point of the relevancy of the arguments, quoting that clause of the duties of the president, which requires that the president shall confine the remarks of a speaker to the question. The Chair decided that the gentleman could not be regarded as out
of order, as the course of the argument, to his own mind and to the minds of others, might conduct to the main point under discussion; and so long as this was probable, the freedom of debate ought not to be violated.

Mr. MERRILL continued. The wide range of debate which had been taken by other gentlemen, required from him more observations in return. In the controversy which had taken place between the gentleman from Somerset, and the gentleman from Philadelphia county, he did not say who was right or who wrong; who had begun this devious course or who had followed it farthest, but he must say that the gentleman from Philadelphia, was not so much of a prophet as he thinks he is, when he undertakes to speak of the future proceedings of the committee on the fifth article. The gentleman warns us to band no opinion or arguments on any subject, from whatever source they may come, unless they are ultra, and next to himself—far he went further than any. How can the gentleman foresee with such certainty that no proposition for reform can come from the committee on the fifth article? The attack which the gentleman had made on the committee, and his attempt to stifle their opinion, and to denounce it in advance, he could not, consistently with his duty to the committee, suffer to pass without some notice. The objection to the committee is grounded upon the fact that they are lawyers. What was the objection to lawyers? It is said they looked too much to precedent and relied too much on authority. They looked to those usages and institutions, which in past times had been found adequate to the protection of the property, the reputation and the liberties of mankind. The gentleman on the other hand, relied upon the limited compass of his own observation and the changing opinions of the day, as his guide. He agreed with the gentleman that we should not rely too much on authority; but were we so much wiser than those who have gone before us, that we shall be governed entirely by our own opinions? The opinions of mankind were always entitled to respect, but when the gentleman speaks of this and that opinion as prevalent in a city or state, he must ask where is the proof of it. The gentleman had paid some handsome compliments to the bar. He said he would trust his life, his property, his liberty with mankind. The gentleman on the other hand, relied upon the limited compass of his own observation and the changing opinions of the day, as his guide. He agreed with the gentleman that we should not rely too much on authority; but were we so much wiser than those who have gone before us, that we shall be governed entirely by our own opinions? The opinions of mankind were always entitled to respect, but when the gentleman speaks of this and that opinion as prevalent in a city or state, he must ask where is the proof of it. The gentleman had paid some handsome compliments to the bar. He said he would trust his life, his property, his liberty with many members of their profession, but would not rely upon their opinions on subjects of legislation. He (Mr. M) would not give more weight to their opinion than they were entitled to. He would ask a blacksmith his opinion upon shoeing a horse, and go to a physician for a prescription; but he would not apply to a blacksmith for a prescription, nor go to a physician for an opinion upon shoeing a horse. If the gentleman would trust his life to a lawyer, he thought he might trust his opinion on a legal or legislative question. He (Mr. M) did not know he said, what would be the report of the committee. He had not made up his own opinion. How can the gentleman set up his opinion against the report of the committee, and call upon the Convention to disapprove it, when the committee themselves did not know what the report of the committee would be? What would be the use of referring subjects to the consideration of committees, if those committees were to be instructed what to do? Whatever might be the report of the committee, there was no necessity for the gentleman to oppose against it. He opposed, would adopt a proposition, without consideration and without regard to the reasons urged for and against it.

Judge HOPKINSON, of Philadelphia, spoke at some length, on the subject. He went into a history of the formation of the present Constitution. The Convention, he said, after deliberating anxiously and carefully upon the subject for a long time, with mutual forbearance and great industry, formed a Constitution, and then adjourned over from February to August, in order to give the people an opportunity to consider and discuss it. When they returned, at the end of six months, after full converse with their constituents, and after the public press had discussed and explained it; they again took up the Constitution and adopted it, by an almost unanimous vote. There was but one negative, and that was a member of the Society of Friends, from the city of Philadelphia, whose objection it may be presumed to refer to the provisions respecting the militia. There were men unquestionably as wise as we are. Among them were many of the most distinguished men in the State. They deliberated upon it for eighteen months, from March, 1789, to Sept. 1790.

He had heard that it was now the wish of the people that the Constitution should be changed, but he had not seen the evidence of the fact. He had not seen any thing to convince him that it was so. All that he had seen was a desire that there should be a Convention to revise the Constitution, and deliberate calmly on the manner in which it had operated, and if it were true that there had been 40,000 votes less cast on the question of a Convention than in the election of a Governor, it would seem as if that number did not do important to hold a Convention at all. He concluded with expressing his attachment to the Constitution, and his desire to preserve it in its present shape, than to hazard its destruction by any unwise innovations.

Mr. PORTER of Northampton, rebuked the heat which had been displayed on both sides, and especially animadverted on the personal attack made upon a gentleman (Mr. Buchanan) who had been admitted by the courtesy of the President to be present during the sittings of the Convention, by the gentleman from Somerset.

Mr. COX said, he was not aware the gentleman was present, when he had made the reference, and that, had he known the fact, he should certainly have avoided naming him, and giving the remarks on that point in different language from that which he had used.

Mr. PORTER said, he was glad the gentleman from Somerset had made this explanation. He then stated that the language attributed to the honorable gentleman, that if he thought he had a drop of Democratic blood in his veins he would let it out, was entirely false.

RECESS.

Mr. FORWARD asked leave to introduce a resolution, and moved a suspension of the rule for that purpose. He had intended, he said, to make the motion before. He had intended to move that when the Convention adjourns, it adjourn to meet on Thursday next. A recess, for a few days, would enable the committees which have not reported, nor were ready to report, to prepare whatever they intend to submit to the convention. He desired, and he presumed every gentleman desired to see the whole subject before him. He begged leave to remark that he had no constituents who would accuse him of desiring to prolong the session for the sake of the pay—
He was not anxious to procrastinate the business of the Convention, but he wished to take it up in a proper manner.

The motion to suspend the rule was lost, yeas 57, nays 46. There being no two-thirds in the affirmative, the motion was lost.

Mr. JENKS moved that the rule be suspended for the purpose of enabling him to move that the House adjourn to Monday. Agreed to, 51 to 24. The resolution having been taken up, Mr. STEVENS moved to strike out Monday and insert Thursday.

Mr. PORTER moved Wednesday. Lost.

Mr. M'DOWELL moved to insert Tuesday.

Mr. HESTER asked for the yeas and nays, which were ordered.

Mr. JENKS moved that the rule be suspended for the purpose of continuing the proceedings.

The yeas and nays being taken, the question was decided in the negative, yeas 56, nays 64, as follows:

YEAS.—Messrs. Agnew, Ayres, Baldwin, Barclay, Barnitz, Bayne, Bell, Biddle, Bonham, Brown, of Lancaster, Butler, Chambers, Chandler, of Philadelphia, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cline, Coxe, Cox, Cunningham, Denny, Dickey, Doran, Fleming, Forward, Gamble, Gearhart, Henderson, of Dauphin, Hopkinsin, Ingersoll, Jenks, Konigsmacher, Maclay, McCa'en, M'Dowell, Meredith, Merrill, Nevin, Penny-packer, Pollock, Porter, of Lancaster, Porter, of Northampton, Ritter, Rogers, Seager, Scott, Selzter, Sill, Snively, Steigere, Stevens, Stickel, Todd, White, Sergeant, Pres't.—56.


Mr. JENKS begged leave to make a few remarks, upon the motion he was about to offer. Little did he think, he said, that such a question as that which was now pending, would ever have been brought before this body, and still less did he think, that four or five days would be spent in its consideration.

To some of the propositions of gentlemen he might be willing to assent, but upon others he would wish to reflect further. He was not prepared to assent to a proposition, for lessening the powers of one branch of the government, and of giving an undue influence to another branch. He wished to give time for deliberation upon all the propositions before us. In the present state of excitement, the Convention was unfit to approach their subjects. In the present state of excitement, the Convention was unfit to approach their subjects. Under these circumstances he did hope that the Convention would adjourn to Monday, at 10 o'clock. He made that motion.

Mr. DARLINGTON moved an adjournment, lost.

Mr. EARLE remarked, that as several gentlemen had given their reasons in favor of an adjournment, he would give his reasons against it. If the gentlemen wished to go home till Monday, he would vote to give them leave to do so. But, there would be members enough left to transact the business. There were many gentlemen here who were anxious for an opportunity to express their opinions upon the subject now under consideration; and those who had spoken and wanted to adjourn, might absent themselves and allow others to remain, and continue the proceedings.

Mr. HASTINGS moved to strike out ten o'clock Monday, and insert nine o'clock, and to fix that as the daily hour of meeting till otherwise ordered. Lost, 49 to 51.

The question being on the resolution directing that when this Convention adjourn, it adjourn to meet on Monday morning at 10 o'clock.

Mr. DUNLOP asked the yeas and nays.

The question was taken, and decided in the affirmative, yeas 63, nays 51, as follows:

YEAS.—Messrs. Agnew, Ayres, Baldwin, Barnitz, Bayne, Bell, Biddle, Bonham, Brown of Lancaster, Butler, Carey, Chambers, Chandler of Philadelphia, Chauncey, Clarke of Beaver, Clark of Dauphin, Clark of Indiana, Cline, Cochrane, Coxe, Cox, Craig, Cunningham, Denny, Dickey, Dickerson, Doran, Farrelly, Fleming, Forward, Foulkrod, Gamble, Gearhart, Hester, Helfenstein, Henderson of Dauphin, Hopkinsin, Jenks, Kerr, Konigsmacher, Mann, McCa'en, M'Call, M'Dowell, Meredith, Merrill, Merkle, Montgomery, Nevin, Penny-packer, Pollock, Porter of Lancaster, Porter of Northampton, Rogers, Russel, Saeger, Scott, Selzter, Sill, Snively, Steigere, Stevens, Stickel, Todd, White, Sergeant, Pres't.—60.


Mr. BANKS, on leave given, offered the following resolution, which was laid on the table, and ordered to be printed.

Resolved, That the committee on the first article of the Constitution, be requested to enquire into the expediency of so amending the sixth section of that article, that Senators shall be elected every year.

Also, that the said committee enquire into the expediency of so amending the ninth section of the said article, that senators shall be divided into two instead of four classes, so that one half of the whole number of Senators, shall be elected every year.

Also that the committee on the second article of the Constitution, be requested to enquire into the expediency of so amending it, in the third section, that the Governor shall not be capable of holding his office longer than six, in any term of nine years.

Also that the committee on the third article of the Constitution, be requested to enquire into the expediency of so amending it, in the first section, that all persons bound to do military duty of the age of twenty one years, and being also naturalized citizens, and who have resided in the State one year next before the election, at which he offers to vote, and who has been enrolled in the military, worked one day upon the roads or highways or contributed to the public taxes, whether assessed six months before the election or not, be entitled to vote, pro-
provided, that all such persons, between the age of twenty one and twenty
two years may vote, whether they have complied with the aforesaid
requisitions or not.

Also that the committee on the fifth article of the Constitution, be
requested to enquire into the expediency of so amending the several
sections of the said article, as that the Judges of the Supreme Court
and of the several courts of common Pleas, instead of holding their of-

fices during good behaviors shall hold their offices as follows:—The
Judges of the Supreme Court for ten years, the President Judges of the
courts of common Pleas for seven years, and the associate Judges for
five years, and that instead of being appointed by the Governor as
mentioned in the eighth section of the second article, they shall be no-
iminated by the Governor, and the nomination approved by the Senate
before commissioned.

Also that the tenth section of the fifth article be so amended, as that
justices of the peace shall be elected, by the persons entitled to vote
for members of the House of Representatives, and on the same day,
for the term of three years, and that they shall be apportioned among
the people of the townships, boroughs, and districts of the respective
counties in the State, in such manner, as that there shall be at least
one for every hundred and fifty taxable inhabitants, until apportioned
otherwise by law.

And also that the committee on the sixth article of the Constitution,
be requested to inquire into the expediency of so amending the said
article, as that the Prothonotaries, Clerks of the Oyer and Terminer
of the Peace, and Orphans' Court, Recorders of Deeds, Registers
of Wills and County Surveyors, shall be elected by the people, for the
term of three years, as sheriffs and coroners are, according to the
first section of the said 6th article.

Mr. BONHAM offered the following resolution, which was laid
on the table, and ordered to be printed.

Resolved, That the committee on corporations be instructed to,
quire into the expediency of so amending the Constitution, as to
prevent the Legislature from granting privileges to any incorpora-
ted company or companies, for entering on or passing through the
lands of any citizen of this commonwealth, without first paying or
giving security for the payment of all damages which may be done
by such trespass.

Mr. STERIGERE offered the following resolution, which was
laid on the table, and ordered to be printed.

Resolved, That the Constitution of this State ought to be altered
as proposed by the following amendments, which should be submit-
ted to the people for their adoption or rejection.

Amendment No. 1, to be in lieu of Section 4, Article 1.

4. In the year one thousand eight hundred and thirty-eight, and in
every seventh year thereafter, an enumeration of the taxable inhabi-
tants shall be made in such manner as shall be directed by law. The
number of representatives shall be at the next session of the Legislature,
after making such enumeration, be fixed by the Legislature, and appor-
tioned among the city of Philadelphia and the several counties, ac-
cording to the number of taxable inhabitants in each, and shall never
be less than 80, nor more than 100. Each county now erected shall
have at least one representative, but no county shall hereafter be
accessed, unless a sufficient number of taxable inhabitants shall be con-
tained within it, to entitle them to one representative, agreeably to the
ratio which shall then be established. No two or more counties shall
be connected to form a district, nor shall any county be entitled to an
additional representative, on any number of its taxable inhabitants,
less than two-thirds of the one hundredth part of all the taxable in-
habits of the Commonwealth.

Amendment No. 2, to be in lieu of section 5, article 1.

5. The Senators shall be chosen for three years by the citizens of
Philadelphia, and of the several counties, at the same time, in the
same manner, and at the same places, where they shall vote for re-
presentatives.

Amendment No. 3, to be in lieu of section 7, article 1.

7. The Senators shall be chosen in districts, to be formed by the
Legislature at the same time the representatives are apportioned
among the several counties, each district containing such a number
of taxable inhabitants, as shall be entitled to elect one Senator, except
when the city of Philadelphia or any one county shall contain such
proportion of the taxable inhabitants of the State, as may entitle it to
elect two or more Senators, in which case such city or county shall
not be divided to form a district. Nor shall the city of Philadelphia
or any county be divided in forming a district. When a district shall
be composed of two or more counties, they shall be adjoining. No
district shall be entitled to an additional Senator, on any number of
its taxable inhabitants, less than two thirds of one thirty-third part of
all the taxable inhabitants of the Commonwealth.

Amendment No. 4, to be in lieu of section 9, article 1.

9. At the expiration of the term of any class of the present Sena-
tors, successors shall be elected for the term of three years. The
Senators who may be elected in the year one thousand eight hundred
and forty-one, shall be divided by lot into three classes. The seats
of the Senators of the first class, shall be vacant at the expiration of
the first year, of the second class at the expiration of the second year,
and of the third class, at the expiration of the third year, so that there-
after one third may be chosen every year.

Amendment No. 5, to be in lieu of section 10, article 1.

10. The General Assembly shall meet on the first Tuesday of
November in every year.

Amendment No. 6, to be in lieu of section 11, article 1.

11. The Lieutenant Governor shall be president of the Senate,
but shall have no vote except when the Senate is equally divided:
and while in attendance as presiding officer of the Senate, shall re-
ceive double the compensation paid to a senator, until otherwise pro-
vided by law. The Senate shall choose its other officers, and also a
president pro tempore, in the absence of the Lieutenant Governor,
and when he shall exercise the office of Governor, who, in case of
a vacancy in the office of Governor and Lieutenant Governor, shall
perform the duties of Governor, until such vacancy be filled. The
House of Representatives shall choose its Speaker and other officers.

Amendment No. 7, to be in lieu of section 10, article 1.

19. When vacancies happen in either House, the presiding officer
thereof shall issue writs of election to fill such vacancies

Amendment No. 8, to be in lieu of section 22, article 1.

22. Every bill which shall have passed both Houses, shall be
presented to the Governor. If he approve, he shall sign it; but if
he shall not approve, he shall return it with his objections, to the House in which it shall have originated, who shall enter the objections at large upon their journals, and proceed to reconsider it. If, after such re-consideration, a majority of all the members of that House shall agree to pass the bill, it shall be sent to the objections to the other House, by which, likewise, it shall be re-considered; and, if approved by a majority of all the members of that House, it shall be a law. But, in such case, the votes of both Houses shall 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. If any bill shall not be returned by the Governor within ten days, (Sundays excepted,) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly by their adjournment prevent its return, in which case also it shall be a law, unless the Governor shall file the bill, together with his objections, in the office of the Secretary of the Commonwealth, and cause the same to be published in at least one newspaper, published at the seat of government, within ten days after the adjournment of the legislature.

Amendment No. 9, to be in lieu of section 23, article 1.

23. Every order, resolution or vote to which the concurrence of both Houses may be necessary, (except on a question of adjournment) shall be presented to the Governor, and before it shall take effect be approved by him, or being disapproved shall be re-passed by a majority of all the members of each House according to the rules and limitations prescribed in case of a bill.

Amendment No. 10, to be section 24, of article 1.

24. No lottery shall be authorized by the Legislature, and the sale of lottery tickets shall be prohibited under such penalties as may be imposed by law.

Amendment No. 11, to be section 25, of article 1.

25. No Bank, Rail Road Company, Navigation or Canal Company shall be chartered unless three fifths of each branch of the Legislature concur therein. No Bank shall be chartered with a capital of more than two millions and a half of dollars, unless two thirds of each branch of the Legislature concur therein, nor with a capital of more than five millions of dollars unless three fourths of each branch concur therein. Nor shall any bank be chartered with a capital greater than ten millions of dollars, nor for a longer period than ten years, unless the law chartering the same be passed by three fourths of all the members of each House at two successive sessions of the Legislature and be approved by the Governor, in which case the bill which may be passed the first session shall be published with the laws enacted at such session. No bonus shall be required or allowed to be paid by any bank to the State for the corporate privileges granted to it, and any chartering or re-chartering a bank which provides for the payment of a bonus for such chartered privileges, shall be wholly void, but all sums of money required to be paid by any bank for such privileges shall be a yearly or half yearly tax on the profits or stock of the company.

Amendment No. 12, to be section 26, of article 1.

26. The Legislature shall have power to repeal, alter or modify any charter which has heretofore been, or may hereafter be granted to any bank, whenever, in their opinion the public interest may require it, but no such alteration shall be binding on any bank unless the same be assented to by a majority of the stockholders certified in such manner as may be prescribed by law. And in case the bank whose charter may be so altered shall neglect or refuse to assent to such alteration, within the period fixed by law, the chartered privileges granted to such bank, shall thenceforth cease and determine except so far and for so long a time as may be necessary to collect its debts and wind up its concerns, not exceeding two years. Provided that in case any bonus or sum of money, other than a tax on the annual profits or stock of the bank, may have been paid to the State by any such bank herebefore chartered the State shall retain only so much of such bonus or sum as will be a just proportion of the bonus or sum such bank was to pay for the privileges granted to it, having a due regard to the amount of capital and the duration of the charter of such bank, to be determined in such manner as may be provided by law.

Amendment No. 13, to be in lieu of section 3, article 2.

3. The Governor shall hold his office during three years, from the third Tuesday of December next, ensuing his election, and shall not be capable of holding it longer than six years, in any term of twelve years.

Amendment No. 14, to be in lieu of section 8, article 2.

8. The Governor shall nominate, and by and with the advice and consent of the Senate, appoint all officers established by the Constitution, hereby amended, whose appointments are not herein otherwise provided for, or which has been or shall be established by any law, in which the appointment may not be prescribed; and shall have power to fill up all vacancies that may happen during the recess of the Senate, by appointments which shall expire at the end of the next session, but no person shall be appointed to any office, within any county who shall not have been a citizen and inhabitant therein, one year next before his appointment if the county shall have been so long erected; but if it shall not have been so long erected, then within the limits of the county or counties, out of which it shall have been taken.

Amendment No. 15, to be in lieu of section 9, article 2.

9. The Governor shall have power to grant reprieves, and with the consent of the Senate, may grant pardons, except in cases of impeachment, and remit fines and forfeitures.

Amendment No. 16, to be in lieu of section 14, article 2.

14. A Lieutenant Governor shall be elected at the same time, in the same manner, for the same term, and under the same restrictions that the Governor is elected, who shall, in case of the absence, death, removal from office, resignation or refusal to serve of the Governor, exercise the office of Governor. And if the trial of a contested election shall continue longer than until the third Tuesday of December next ensuing the election of Governor, the Lieutenant Governor shall exercise said office until the determination of such contested election, and until a Governor shall be qualified as aforesaid. The Lieuten-
The same salary as is by law paid to the Governor. 10. The Governor shall, by and with the advice and consent of the Senate, appoint a competent number of justices of the peace in such convenient districts in each county, as are or shall be directed by law, not to exceed two in any township, unless a greater number be allowed by law. They shall be commissioned for five years, but shall be removed on conviction of misbehaviour in office or of any infamous crime, and on the address of either branch of the Legislature: Provided, That the last appointed justice of the peace commissioned before the first day of April, one thousand eight hundred and thirty-seven, in each township and borough in the state, shall hold his office five years from the first day of April, one thousand eight hundred and thirty-eight, and no longer; and all other justices of the peace, aldermen, and notaries public, shall hold their offices two years from the said first day of April, one thousand eight hundred and thirty-eight, and no longer: and no justice of the peace shall be appointed in any township, borough, or ward, as aforesaid, unless the number therein shall be less than is allowed by this amendment, or by law; or they shall be reduced below such number by death, resignation, removal, or otherwise.

Amendment No. 18, to be in lieu of section 2, article 5.

2. The Judges of the Supreme Court shall hold their offices until the age of seventy years, if they shall so long behave themselves well. The Senate judges of the several courts of common pleas, Recorders of the Mayor's Courts, Associate Judges of the court of common pleas of the city and county of Philadelphia, and Judges of any district court or other court established by law, whose tenure is not of a shorter period under such law, shall hold their offices during the term of seven years, and no longer; and the Associate Judges of the several courts of common pleas, except in the city and county of Philadelphia, shall hold their offices for five years, and no longer. For any reasonable cause which shall not be sufficient ground of impeachment, the Governor shall remove any of such judges on the address of both branches of the Legislature. The judges of the Supreme Court, the President judges of the several courts of common pleas, and the judges of the district courts, shall at stated times receive for their services an adequate compensation to be fixed by law, which shall not be diminished during their continuance in office, but they shall receive no fees or perquisites of office nor hold any other office of profit, under this Commonwealth. Provided, That the President Judges of the several Courts of Common Pleas, Recorders of the Mayor's Courts, Associate Judges of the Court of Common Pleas of the City and County of Philadelphia, and Judges of the several District Courts, whose commissions bear date before the first day of April, one thousand eight hundred and twenty-five, shall hold their offices for three years after the first day of April next, and no longer. Those whose commissions bear date on or after the said first day of April, one thousand eight hundred and twenty-five, and before the first day of April one thousand eight hundred and thirty-one, shall hold their offices for five years, from the first day of April next, and no longer. And those whose commissions bear date on or after the said first day of April one thousand eight hundred and thirty-one, shall hold their offices for seven years after the first day of April next, and no longer, unless any of the said offices shall be limited by law to a shorter period. The Associate Judges of the several courts of Common Pleas, except in the city and county of Philadelphia, whose commissions bear date before the first day of April, one thousand eight hundred and thirty-one, shall hold their offices for three years from the first day of April next, and no longer, and those whose commissions bear date on or after the said first day of April one thousand eight hundred and thirty-one, shall hold their offices for five years after the first day of April next, and no longer.
CONVENTION PROCEEDINGS.

MONDAY, May 15th, 1837.

Mr. FARRELLY presented a petition from the citizens of Erie co., on the subject of the currency. They represent that the currency system rests on an unjust, precarious, and delusive basis; and must necessarily produce the most ruinous fluctuations in the value of commodities, and exert a baleful influence on the independence and prosperity of the public. They insist that the subject ought not to be left to yearly legislation, but that it should be regulated by some established and fundamental constitutional provision. They propose provisions to the following effect: that the individual stockholders shall be liable for the debts of their respective banks: that the names of stockholders shall be published, together with the transfers of stock made from time to time; that the issues shall be founded on a specie capital, fully paid in and retained, and shall never exceed twice the amount of said capital; that no bank shall issue a note or bill of less denomination than ten dollars; that no bank whose capital amounts to three millions, shall issue any note or bill of less denomination than twenty dollars; that no bank whose capital amounts to five millions, shall issue any note or bill of less denomination than fifty dollars; that no bank whose capital is equal to ten millions, shall issue any note or bill of less denomination than one hundred dollars; and that no bank whose capital is twenty millions or over, shall issue any bill or note of a less denomination than five hundred dollars.

On motion of Mr. FARRELLY, the memorial was referred to the special committee on the subject of the currency.

Mr. INGERSOLL, of the city, offered the following project of a Constitution, which he read, and the provisions of which he explained:

Constitution of the State of Pennsylvania, as matured in Convention, the 2d day of September, 1790, amended in another Convention, in 1837, and ratified by the people at large.

The people of the State of Pennsylvania, ordain and establish this Constitution of Government.

ARTICLE FIRST—Distribution of Power.

The respective powers of Government, legislative, executive, and judicial, are, by this Constitution, severally distributed and established in three distinct branches, viz.: a Legislature, a Governor, and a Judiciary. Neither of which separate branches shall exercise the authority of either of the others, except where this Constitution so directs.

ARTICLE SECOND—Legislature.

Sec. 1. The legislative powers of this Commonwealth shall be vested in two separate branches, viz.: a house of Representatives and a Senate; who, together with the Governor, shall have all the power of making laws not inconsistent with this Constitution, the sovereignty of the people, and the inherent limitation of annual trust delegated by that sovereignty.

Sec. 2. The Legislature shall meet every year on the first Thursday in January, unless convened at another time by the Governor, and shall adjourn on the first Thursday in April, unless continued longer in session by law, for that purpose.

Sec. 3. At the first meeting of the Legislature under this Constitution, and every fifth year thereafter, the inhabitants of this State shall be enumerated by law; and together with such quinquennial enumeration, there shall be taken by law a valuation of all the property, and a complete statistical account of all the political elements of the Commonwealth, to be ascertained, preserved, and published as the Legislature may direct.

Sec. 4. Each house may, during its session, punish by fine not exceeding one thousand dollars, and imprisonment not exceeding the duration of that session, any person misbehaving in presence of such house, and obstructing its proceedings, or abusing, or threatening any member or members for any thing said or done as such.

Sec. 5. Neither house without permission by law, shall have power to appoint any committee to sit when the Legislature is not in session, nor then elsewhere than at the seat of government: and no member shall be paid but for service rendered while in actual session at the seat of government.

Sec. 6. No bill for private, local, or incorporating purpose shall become a law, unless read throughout, three times, in three distinct weeks, during public sessions of both houses; and shall after its first reading, by direction of the presiding officers of the house, in which such bill originated, be published by printed advertisements before it receives a second reading, daily, if there be a daily newspaper, if not, as often as possible during at least one week, in the city, town, county, and as near as may be in the immediate neighborhood, where it is to have effect.

Sec. 7. No law shall be enacted granting any perpetuity or monopoly for private purpose or any lottery. No money shall be drawn from the Treasury but by distinct and specific appropriation by law.

No bill appropriating public money to private purpose shall become a law without a vote of two thirds of the members present in both houses, and such vote taken by ayes and nays and inserted in the Journal.
No bill creating, continuing, renewing, or supplying any body politic or corporate (except religious, charitable, and literary bodies) shall become a law unless by vote of two thirds of the members of two successive legislatures; and the succeeding legislature shall not have power in any respect to change such law as passed by the first legislature. On the final passage of such bill in both houses, it shall be the duty of the presiding officer of each, to direct the ayes and noes of the members present to be called and entered on the Journals as they vote, and no such bill if returned with objections by the Governor, shall become a law during that session of the legislature, nor afterwards without the concurrent votes of five fifths of the members present, taken aloud and entered on the Journals.

Sec. 8. The legislature shall provide by law, for the prompt and universal promulgation of all laws as enacted, taking care that printed copies of them shall be published as soon as they are laws, in all parts of the state, by means of the periodical press immediately, and in books as soon as convenient; and once in ten years a complete digest of all the laws of the state, shall be prepared and published pursuant to law, collating with them all legislative, executive and judicial constructions of the laws.

Sec. 9. It shall be the duty of every Judge and court of Justice adjudicating any principle of the common or unwritten law, for the first time that such principle is adjudicated in this state to report the same to the Legislature at their next session, by whom a law shall then be enacted declaratory of such principle of the common or unwritten law; otherwise it shall not be law thereafter. And the Legislature shall prescribe adequate penalties to insure judicial compliance with this provision; so that no law may be first made by judicial construction alone, without sanction of the Legislature.

Sec. 10. All by-laws and enactments of municipal corporations shall be reported to the legislature on the first day of their session, in order that such proceedings may thereupon take place as the legislature may deem proper, if any; confirming, repealing or altering the same, and no such by-laws or enactments shall be valid for more than one year, if repealed by the legislature.

Sec. 11. The title of every law shall distinctly announce its enactments; and no bill after it has passed one house shall be amended in the other by incorporating therewith distinct or dissimilar subjects: nor shall any private corporation or other than public objects be at any time made part of a bill for public objects; and it shall be the duty of the Governor to return to the legislature his objections to all bills in his opinion contravening this provision.

On motion of Mr. INGERSOLL, the resolution was laid on the table and ordered to be printed.

"Mr. MANN offered the following resolution, which was laid on the table, and ordered to be printed.

Resolved, That the committee on the ninth article of the Constitution, be instructed to consider the expediency of so amending the Constitution, that in all counties of this Commonwealth, where there is a considerable number of the population, German, no person shall be eligible to the office of Prothonotary, Register, Recorder, Clerk of the Sessions or Orphans' Court, unless such persons speak both the English and German languages, and that at least one of the Associate Judges possess the same qualifications.

Mr. STEVENS said he had a resolution to offer, which, though not quite so long as some of the amendments of the Constitution, would, he hoped, go quite as far in guarding the people from encroachments upon their rights.

Resolved, That the fourth section of the first article of the Constitution, shall be so amended, that no city or county shall ever have more than six Representatives nor more than two Senators.

Mr. FLEMING submitted the following resolution, which was laid on the table, and ordered to be printed.

Resolved, That the committee on the second article of the Constitution, be instructed to enquire into the expediency of providing for the election of a Lieutenant Governor of this Commonwealth; to be elected at the same time and for the same term as the Governor. In case of the impeachment, removal from office, death, resignation, &c. of the Governor, the duties of the office to devolve upon the Lieutenant Governor—to be President of the Senate, and have a casting vote therein, and further to provide, that if, during the vacancy of the office of Governor, the Lieutenant Governor shall be impeached, die, or resign, that the President of the Senate shall act as Governor, until the vacancy shall be filled.

Mr. KEILM offered the following resolution, which was read, laid on the table, and ordered to be printed.

Resolved, "that the committee on the ninth article of the constitution be instructed to consider the expediency of so amending the constitution as to allow forever in this state the free exercise and enjoyment of religious profession and worship to all mankind, but that the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of this state.

Mr. CURILL offered the following resolution, which was laid on the table and ordered to be printed.

Resolved, "That the legislative power relative to the incorporation of banking companies, shall be so restricted, that no charter shall be granted for a longer time than ten years, nor any note or less denomination than $20 issued. And that the books, papers, and vouchers of every banking institution, shall be subject to the inspection and supervision of the legislature, who (if they discover that any bank has departed from the business for which it was created) shall forthwith declare that charter null and void, and the real and personal estates of the stockholders, both in their corporate and individual capacity, shall be liable for the payment of the notes in circulation or in the hands of the people."
Mr. Hastings submitted the following resolution, which was read, laid on the table, and ordered to be printed.

**First Article.**

Resolved, That the committee on the 6th article of the constitution be instructed to report the following amendment to that article to be inserted after the first section and numbered 2.

2. The Canal Commissioners shall be elected by the citizens of the Commonwealth at the same time and places where they shall respectively vote for representatives. At the first general election, after the adoption of this constitution, one shall be elected to serve the term of one year, one shall be elected to serve the term of two years and one shall be elected to serve the term of three years, and annually thereafter one shall be elected to serve for the term of three years, provided that no person shall be eligible to that office for a longer period than three years in any term of six years.

3. The Canal Commissioners shall be vested with the same power and receive the same pay they are now entitled to receive by law.

Mr. Denny, from the committee on the first article of the Constitution, made the following further report:

Sec. 2. "The Representatives shall be chosen annually by the citizens of the city of Philadelphia and of each county respectively, on the fourth Tuesday of October."

Mr. Purviance moved that the Convention do now resolve itself into a committee of the whole, on the report from the committee on the first article of the Constitution, made on Friday last.

**Hour of Meeting.**

Mr. Purviance, at the request of Mr. Earle, withdrew the motion for the present, for the purpose of enabling the latter gentleman to call up the resolution for fixing the hour of meeting of the Convention. After some conversation as to the mode of proceeding, the motion to take up the resolution fixing the hour of nine o'clock, as the standing hour of meeting hereafter, was agreed to, and the resolution was adopted.

Mr. Brown, of Northampton, moved to reconsider the vote of the Convention, in relation to the subscription to the Daily Chronicle.

Mr. Dillinger seconded the motion.

Mr. Jenkins said he hoped the motion to reconsider would not prevail. The resolution authorizing Mr. Guyer to print 2700 copies of the Daily Chronicle for the use of the Convention was passed on Thursday last.—On the faith of this resolution the Editor has already incurred an expense of near three thousand dollars; he has employed a Stenographer at an expense of sixty-six dollars a week, and has engaged a dozen additional journeymen, to insure a prompt and faithful discharge of the contract on his part. It is now too late to consider the resolution after the printer has incurred this heavy expense. It would be a breach of contract I apprehend—an act of great injustice toward the printer. I voted for the resolution as it passed the Convention. I believed it to be a matter of great importance to spread our proceedings daily before our constituents; they ought to be early and accurately informed upon the subjects agitated by this Convention. They ought to have an opportunity to examine the arguments advanced here in favor or against amendments which this body may adopt to the Constitution. This information is the more desirable as the people have to act upon those amendments, and sanction or reject them by their votes. The expenditure seems to me a judicious expenditure, and calculated to effect the desirable object of giving to the people the earliest intelligence of the proceedings of the Convention on subjects deeply interesting to them. And those gentlemen who voted for an additional Secretary whose services were deemed unnecessary by many gentlemen—cannot consequently on the score of economy vote to sustain a motion to reconsider a resolution, the object of which is to disseminate early and interesting information among the people. I therefore trust the motion to reconsider will not prevail.

Mr. Cox of Somerset moved to postpone the motion for the present on the ground that many members were absent, and that it was desirable that all should be present on the decision of a question which involved a violation of the faith of the Convention.

Mr. Stevens hoped that a postponement would take place, and that a Committee be appointed to look into the matter. He had originally opposed the motion for so large a number, but it was thought by many that 2700 could be printed as cheap as 2000. The resolution was passed the middle of last week and the printer had gone away to get his materials. He had gone to an expense of 71 dollars for a Stenographer and other requisites, and was entitled to a fair trial. If, after a proper time were allowed, he failed to do his duty, there would be some ground for complaint. But when the Journals and resolutions could not be printed in time to lay on the tables next day, it was scarcely reasonable to expect to see the reports of the debates to be accurately published every day. The printer had gone to an expense of 3000 or 4000 dollars, and, although he voted reluctantly for the resolution, he would not now vote for reconsideration.

Mr. Read said if it was a good argument that the contract should not be rescinded because of the expense already incurred, it was stronger in favor of preventing further expense to the printer, who had stated that he would give full and impartial reports. Had he complied with the contract, there would be some reason for hesitation, but he had only presented garbled and partial and consequently untrue reports of the proceedings. He referred to the debate on Friday, and the report of what had passed between Mr. Porter and Mr. Cox, concerning Mr. Buchanan; in which replies were made to a portion of the remarks of Mr. Cox, in a preceding speech, which were altogether omitted. Again, the printer had promised to give a correct report of the resolutions, and had omitted one of his (Mr. E's) resolutions. Failing to perform his part of the contract, where was the injustice of annulling it? He hoped the resolution would be reconsidered and rejected.

Mr. Brown said he had been the means of bringing forward the resolution, and he was deeply mortified that he had done so. He saw a sketch of remarks made by him on Friday, which he would never have recognised, if his name had not been affixed to it. There was no connexion between the speeches—replies appertaining to parts which did not appear in the report. He also referred to the omission of Mr. Buchanan's name in the report of the remarks of
Mr. Cox. The printer had authorized him to say that the report of every gentleman's speech would be handed to him for revision, but that had not been done once. If the motion was postponed, he hoped a Committee would be appointed. It had been said that there had been much impropriety of debate, but he did not wish that the Convention should appear worse before the people than it really deserved to appear. In reference to the arrangement of the paper, the first few numbers laid on the tables gratuitously were better than those which had since been published. It sometimes occurred that several numbers were sent in together, creating great confusion.

Mr. Forward said he had voted against the original resolution for 2700, but as the resolution was adopted, he could not now vote for reconsideration, but would be in favor of postponement, in the hope that the motion to reconsider would be postponed altogether. We could not with any propriety violate a solemn contract. The printer has gone to a great expense. Was he justified in incurring that expense? Relying on the faith of the Convention, he had gone to Philadelphia, and gentlemen should put it to their own hearts whether he was justified in placing so much reliance on the faith of the Convention. If he was justified, how could they rescind the contract? There was another consideration. The printer was not fully prepared. He said he would incur expense, and it was not to be expected that he was already prepared. If he did not perform his duty, let a committee be appointed to examine the matter, but let the Convention, by now reconsidering the resolution, be guilty of a breach of faith. He was himself of the opinion that the reports which had been published did not show the debate in its true light, but he could not vote for reconsideration, while the printer was in Philadelphia making his arrangements.

Mr. Cox stated that he was told that the printer went to Philadelphia on Friday. He had not returned, and consequently he had seen none of the matter which was published concerning that day. It had been published without his knowledge, and it was wrong to put the blame on his shoulders. Certainly many things did not appear in the report, but no one expected every thing to appear. What he had said about Mr. Buchanan did not appear, and he was very sorry for it, as he believed that he had stated nothing but what was true, as he had learned from gentlemen from that part of the state and others. The printer had gone to Philadelphia, to buy a press, and had employed assistance at 11 dollars a day. He trusted there would be no further action on the subject until the printer shall have returned.

Mr. Darlington of Chester asked if there was not a committee already appointed to superintend the printing.

Mr. Brown asked if Mr. Keigart had not said the charge against Mr. Buchanan was false?

Mr. Cox and Mr. Keigart had told him he believed it was true, but that there was an error as to the occasion when the language of Mr. Buchanan was used.

Mr. Stevens reminded the gentlemen that they were again straying away from the point in debate, and touching on personal subjects. He thought if the reporters had done anything good, it was in omitting this part of the debate, and for that alone he was willing to take the paper for two or three months. But it was not to be expected that all which was said could appear. No one was so unreasonable as to suppose reporters possessed the talent of the speakers. The orations of Cicero, would shrink into nothing besides the speeches of gentlemen here. How could they expect a mere mortal to do justice to their matchless eloquence?

Mr. Cox said, he did not complain, although many things had been omitted.

Mr. Stevens said, the omission did not hurt the gentleman from Somerset, so much as it did the gentleman from Philadelphia county.

Mr. Brown said, his chief complaint was, that there was no continuous report, no congruity in the speeches; that gentlemen were made to reply, when that which called for the reply was omitted. Mr. Stevens said, the complaint was that all the speech of the gentleman from Somerset, to which the gentleman from the county of Philadelphia replied, did not appear.

Mr. Brown again explained.

Mr. Stevens read a portion of the report of the speech of Mr. Porter, and of the explanation of Mr. Cox, and stated that Mr. Porter had justice done to his remarks, and that this was as much as was necessary on the subject. He sympathized sincerely with the gentleman from Philadelphia county, in the hardship of his lot. He himself had made a very pretty speech; as nice a speech as he ever made, about the cooperers, and all this nice speech was left out. It was too much, however, to expect that mere reporters could do justice to such flights of intellect.

Mr. Earle said, the resolution in relation to the Daily Chronicle, was caused by incorrect statements as to the management of the concern. It was stated that Mr. Patterson was connected with it, which proved not to be the case. In addition to the inaccuracies mentioned by others, he would mention that his colleague was made, on one occasion, to reply to a speech which followed his own. The chief complaint that he had to make in regard to the paper was, that it came out in such confused order. He would rather the printer would take a week, and give us the whole of the numbers together, than send them at irregular periods. He should vote for the reconsideration.

Mr. Keim said he had voted against the contract because it was likely to add very greatly in the expenses of the Convention. But he was in favor of the postponement.

Mr. Martin said he had no idea that any man, in the publication of the debates and proceedings of any deliberative body, would avoid giving great dissatisfaction. He had read an account of the complaints made by many members of the British Parliament, of the newspapers and reporters. At one time, the members demanded that the reports should be verbatim. What was the consequence? They soon went round to the printers, and begged them to do so no more. He was sure this would be his case, and he imagined it would be so with many more in this body. He was decidedly opposed to acting on the subject at present.

Mr. Smith, of Centre, said he voted against the resolution at
an unnecessary expenditure, and he saw no reason why the contract should be continued. He had drawn a resolution providing that the expense already incurred should be ascertained and paid. The cost of the paper was at first represented to be about 6000 dollars, but it was found since that 10,000 dollars would be required. He believed that the expenditure was unnecessary, and argued that, if we paid the expenses, no injustice would be done.

Mr. WOODWARD was of opinion that the sketches of the debates which had hitherto appeared in the papers were very partial and incorrect; and after the printer had had time to make the necessary arrangements, if he did not fulfil his contract, he would vote to rescind it. He did not think there would be any impropriety in annulling the contract, under such circumstances.

If Mr. Guyer, in the course of a week, did not fulfil his contract, he would vote to rescind it. He requested one week as a sufficient length of time for the purpose.

Mr. Cox accepted the suggestion as a modification of his motion.

Mr. FLEMING said, if any postponement took place, he hoped it would be an indefinite postponement. He gave his reasons for having opposed the contract with the Chronicle, originally; but as it was made, he was in favor of adhering to it. It would be poor economy to pay this man his expenses, and then give the contract to some other printer. Some gentleman would soon take it into his head that the new paper did him injustice, and then the new printer must be paid off and another one employed. The same course of dissatisfaction would continue to prevail. He was for remaining where we were.

Mr. FULLER opposed the postponement, and argued that, as the contract had been violated, it ought to be immediately rescinded. He did not think this publication necessary for communicating information to the people, of the proceedings and debates of this Convention; and, as we were now free and clear from all obligations to the editor of the Chronicle, he hoped the question would be taken at once; there were many newspapers from which the people would obtain the information they wanted.

Mr. DARTINGTON said, when the subject was originally before us, a committee was appointed to superintend the publication of this paper, and, as yet, that committee had made no report on the subject. They had presented no complaint as to the manner in which the work had been done. What were we about to do? To violate a solemn contract, upon the say-so of some individual, without consulting the committee, whose duty was to superintend the publication. He hoped the question would be postponed for a short time.

Mr. REED contended that as the obligation was reciprocal, and it had been violated by Mr. Guyer, the Convention was no longer bound by the contract. The excuses urged for Mr. Guyer, were insufficient—neither his want of stenographers, nor his absence in Philadelphia would account for his omission of the resolutions which had been offered here. It did not account for his publication of the first resolution, offered in this body, and the omission of the second, the publication of the third, and the omission of the fourth. As to the speeches he never cared much about their publication at all. They were of a fleeting and unsubstantial nature; but, if they were published, they should be given fully and impartially. The Chronicle of Friday, omitted the attack made upon the Senator of this State in Congress (Mr. Buchanan.) by the member from Somerset, and inserted the reply to it. Mr. Reed dwelt with much emphasis on the omission of his resolutions, as a sufficient reason for annulling the contract with Mr. Guyer.

Mr. Dickey turned to the file of the Daily Chronicle, and pointed out one of the resolutions, the omission of which was so much complained of. For one of the complaints, he said, had turned out to be incorrect.

Mr. REED said, if it was there, he had never seen it. It had not been laid before him.

Mr. Dickey made a few observations in regard to the unreasonable nature of the complaints made against the Chronicle, and their insufficiency as reasons for annulling the contract with that establishment. He stated that it was no part of the contract that full reports of the debates should be given. That would be impossible in the compass of so small a sheet. To report every word that was said here, was never promised or proposed by Mr. Guyer. The publication of full reports had been provided for by another resolution in the Convention. Mr. Guyer had undertaken only to give sketches of the debates, as they occurred here.

The question being then taken, the motion to postpone the motion to reconsider till next Tuesday was agreed to.

Propositions of Reform.

The Convention resumed the consideration of the motion to postpone the motion of Mr. Porter, of Northampton, to go into the committee of the whole on the following resolutions of Mr. Purviance.

Resolved, That the standing committees on the several articles of the Constitution, be instructed to report as follows:

1st. Against the re-eligibility of the Executive.
2d. In favor of a reduction of Executive patronage.
3d. In favor of a change in the time of meeting of the legislature.
4th. In favor of a change of the official tenure of the Judiciary.
5th. In favor of electing all county officers.
6th. In favor of dispensing with a tax qualification in the right of suffrage.
7th. In favor of dispensing with, or further restricting, the veto power of the Executive.
8th. In favor of future amendments.

Mr. Earle, rose and spoke, at considerable length, in support of the proposition. He referred to the party distinction of aristocrat and democrat, as founded in human nature, and belonging to all ages and countries in the world. The history of the origin of the present constitution he considered very fully for the purpose of showing that the rich and well-born, upon the principles of Alexander Hamilton, exercised a controlling influence over its construction. The first constitution which was chiefly drawn by Dr. Franklin was a democratic constitution, and the mode of calling the Convention of 1789, for its revision, was of such a character as to prevent the people from taking their proper share in the election of the members, and giving a proper knowledge of their views. Only thirty days notice was given of the calling of the Convention, instead of a year's notice which was given of this Convention. The old constitution no doubt
The constitution, when framed, did not, as he was informed by the gentleman from Montgomery, who was the oldest member of this body, give as general satisfaction to the people as had been represented to us. The legislature at the time, passed a resolution, by a large majority, declaring that the Convention had no right to propose such amendments. His constituents wished such amendments to be made as would secure the right of suffrage, and a faithful representation of every county in the State. The delegates from every county in the state were just as much interested in this object as he was. There could be very little difference of opinion between himself and the gentleman from Somerset, on this point.

The conduct of the inspectors of the election in the county of Philadelphia, which that gentleman had referred to, ought not to be considered as a reproach upon the people of that county; for these officers were forced upon them.

There had been considerable argument to show that the people were not in favor of a convention in the county of Philadelphia. Many had believed they were voting for the convention, when, in fact, they were voting against it. No man ventured to run on the ground that he was opposed to a reform of the constitution. It had been charged against the representatives of the county of Philadelphia, that they were disposed to promote the most radical changes in the Judiciary. He repelled this idea, and stated that the Democratic Representatives of the county of Philadelphia were not more radical in their sentiments on this subject than were the Democratic anti-masons. They did not seek to reduce the salaries of Judges, so low as the Anti-masons did. He went on to show that distinguished men had filled judicial seats for low salaries, and they were not the less ably filled because they were low. He expressed himself as opposed to high salaries, and attributed the constant and persevering canvassing which took place from the beginning of a presidential term to the next election of president, to the great patronage in the hands of the Executive which he was as desirous to reduce as any man. A low and just compensation for services he would always give, but he would not advocate the principle of extravagant salaries.

On the subject of the rich and poor, he disclaimed any desire to have the rights of the latter set up to the prejudice of the former, for he was as much disposed to protect the rich as the poor. If the gentlemen who were so ardently attached to the present constitution, would be able by argument to satisfy him that the long terms of office, the unequal and improper distribution of power, and the other defective provisions of that instrument, were the best, and the best calculated to promote the happiness of the people, he would go with them in support of the present constitution. But he believed the gentleman would find that all the language of history, and the experience of all ages were against them. The Convention adjourned.

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Continued from No. VI.

Constitution of the United States.

Section VIII.

The Congress shall have power—

1. To lay and collect taxes, duties, and excises; to pay the debt and provide for the common defence and general welfare of the U. States; but all duties, impost, and excises, shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes:

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. To establish Post Offices and post roads:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court. To define and punish piracies and felonies committed on the high seas, and offences against the law of Nations:

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

11. To raise and support armies but no appropriation of money to that use shall be for a longer term than two years:

12. To provide and maintain a navy:

13. To make rules for the government and regulation of the land and naval forces:

14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:

16. To exercise exclusive Legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States. and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings:

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Section IX.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.
2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or ex post facto law, shall be passed.

4. No tax or duty shall be laid on articles exported from any State.

5. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from one State, be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State.

SECTION X.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts. No State shall engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.—SECTION I.

1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of profit or trust under the United States, shall be appointed an elector.

3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate, and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot, one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors, shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President: neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been a resident within the United States for fourteen years at any time previous to the election. In case of the removal of the President from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may, by law, provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

6. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

7. Before he enter on the execution of his office, he shall take the following oath or affirmation:

9. "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend, the Constitution of the United States."

SECTION II.

1. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when
called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the Executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur: and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting Commissions which shall expire at the end of their next session.

SECTION III.

1. He shall, from time to time, give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he may think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall Commission all the officers of the United States.

SECTION IV.

1. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.—Section 1.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and Inferior Courts, shall hold their offices during good behaviour; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION II.

1. The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State, claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before-mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

ARTICLE IV.—Section I.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings, shall be proved, and the effects thereof.

SECTION II.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State, having jurisdiction of the crime.

3. No person held to service or labour in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour; but shall be delivered up on claim of the party to whom such service or labour may be due.

SECTION III.

1. New States may be admitted by the Congress into this union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislature.
TUESDAY, May 16, 1837.

Pursuant to order of yesterday, the Convention met at 9 o'clock. After prayers, and the reading of the Journal of yesterday, Mr. MANN asked and obtained leave of absence, for a few days, for his colleagues, Messrs. Sellers and Sterigere.

Mr. BROWN, of the county, said, if it was in order now to correct the journal or rather the debates of yesterday, he would state, what would be recollected by the Convention, that yesterday, when the member from Somerset reiterated his charges made on Friday last, against a distinguished citizen of this State, (Mr. Buchanan,) then present as an invited guest, he, Mr. B. took occasion to say, that he had been authorized by his colleague, Mr. Butler, to say that while the member from Somerset was on Friday last making the charge, that a gentleman from Lancaster, Mr. Reigart, had said to him, (Mr. Butler,) that the whole charge of the member from Somerset was false, and that no such expression was in the address in which they were said to have appeared. The member from Somerset then rose and said, that in a conversation with the gentleman from Lancaster, (Mr. Reigart) since he had first made the charge, he had received a confirmation of the truth of his original charge against Mr. Buchanan. It was for the purpose of allowing the gentleman from Lancaster, (Mr. Reigart,) the opportunity of explaining the contradictory position he was placed in, that he now called the attention of the Convention to the subject. For himself he had no acquaintance with Mr. Buchanan, nor did he know any thing in relation to what was said of him, by the member from Somerset.

Mr. REIGART rose, but was informed by the Chair, that it would not be in order, to make any explanation without leave of the house.

Mr. REIGART hoped, he said, that he would be permitted to explain.

Mr. COX rose to say that he was anxious to enter upon a full explanation of the matter and to advance evidence upon the subject; when his remarks were arrested by a call to order.

Mr. STEVENS hoped, he said, that the gentleman from Lancaster would withdraw his application, for the present.

Mr. REIGART said he could not consistently with his duty to himself withdraw it, but he left it to the House to take such order upon it as they pleased.

The yeas and nays were here called for, and Mr. Reigart contested to withdraw the request, for the present.
Third, And whereas the Ministers of the Gospel are by their profession dedicated to the service of God, and the care of souls, and ought not to be diverted from the great duties of their functions; therefore, no Minister of the Gospel or priest of any denomination whatsoever, shall, at any time hereafter, under any pretence or description whatsoever, be eligible to, or capable of holding any civil or military office or place within this State.

Mr. COCHRAN offered the following resolution, which was read, laid on the table, and ordered to be printed.

Resolved, That the Constitution ought to be so amended in the 10th section of the fifth article as follows, to wit, that the justices of the peace in the several counties of this Commonwealth, the number to be apportioned by law, shall be appointed for a term of five years, by the Judge of the Court of Common Pleas, in the county in which they respectively reside.

Mr. M'CALL offered the following resolution, which was read, laid on the table, and ordered to be printed.

Resolved, That the committee on the first article of the Constitution, be instructed to inquire whether any, and if any, what restrictions may be proper or necessary on the power of the Legislature in authorising the issuing licences for the sale of ardent spirits.

Mr. CURRIL offered the following resolution, which was read, laid on the table, and ordered to be printed.

Resolved, That a special committee be appointed to inquire into the expediency of a provision in the Constitution, on the subject of erecting new counties.

PUBLIC LOANS AND STATE DEBT.

Mr. STEVENS, from the committee on Public Loans and State Debt, reported the following:

That the Constitution ought to be so amended, that the State debt should never exceed $30,000,000.

Mr. BELL of Chester, called for the second reading and consideration of the resolution, heretofore offered by him for the publication of a number of copies of the comparative view of the constitutions of the several states, contained in the Encyclopedia Americana.

Mr. BELL said this work was an admirable key to the different constitutions, and would greatly assist gentlemen in the discharge of their duties.

The resolution was agreed to.

The order of the day being about to be taken up, Mr. PURVIANCE said he had the honor a few days ago to offer a series of resolutions, which had led to a protracted discussion and reminded him of the famous resolutions offered in Congress by Mr. Ford. His object was not to provoke a long discussion at this stage, but to afford an opportunity for gentlemen to deliver their views on some of the subjects before the convention, while the committees were engaged in considering the subjects referred to them. He had since moved that the convention take up for consideration the report of the committee on the first article of the constitution; and intending to call up that motion, he withdrew his motion to go into committee of the whole on certain subjects.

The chair inquired whether the gentleman who seconded the motion proposed to be withdrawn agreed to the withdrawal.

Mr. BROWN of the city who had seconded the motion to go into the committee of the whole, intimated his intention to withdraw, after an opportunity had been afforded for the explanation he had this morning called for.

Mr. COX hoped the gentleman would not withdraw until he had an opportunity to explain.

Mr. REIGART said that a few days ago when the delegate from Northampton (Mr. Porter) referred to the delegation from Lancaster county, and perhaps more particularly to himself, with respect to an expression said to have been made by a distinguished individual (Mr. Buchanan,) he had then made repeated efforts to obtain the floor, but without success. And being now again referred to on the same subject by the delegate from the county of Philadelphia, (Mr. Brown,) he now took the present opportunity of saying that nearly twenty two years ago, he had heard Mr. Buchanan deliver an oration before the Washington benevolent association of Lancaster. In that oration Mr. Buchanan did not say either in word or in substance "that if he had a drop of democratic blood in his veins he would let it out." If the gentleman from Somerset referred to that oration he was mistaken: there is nothing of the kind in it. It is true we have all heard and seen Mr. Buchanan charged in the public newspapers with having used this expression, but it is due to Mr. B. to say that he has at all times positively and unequivocally denied it; nor has he (Mr. R.) ever heard any person willing to vouch for its authenticity.

Mr. COX said, he must ask the gentleman go further and reply to some questions, and he should call upon every delegate from Lancaster for his testimony. It was his purpose to prove that Mr. Buchanan did use the language imputed to him. He had never said that he used it in that Oration. But the gentleman (Mr. Reigart) himself had informed him that it had always been understood in the county, that Mr. Buchanan had made the remark.

Mr. REIGART would merely say that it was true, that the newspapers often attributed the language to Mr. Buchanan, but he had always understood that Mr. B. denied it. It had been generally asserted in Lancaster county, and always denied.

Mr. PURVIANCE stated, that the motion was withdrawn, so far as he was concerned.

Mr. COX said, a question which had been offered in the shape of a resolution, could not be withdrawn, after action upon it by the House. After it had been acted upon, the individual who offered it, had no further power over it.

The Chair said, the rule was, that a motion or resolution could be withdrawn at any time before it had been amended or set down upon.

Mr. COX said, this resolution has been continued over from day to day, and to this extent acted on. He called upon the late Speaker of the Senate, (Mr. Cunningham,) to sustain him in that construction of the rule.

Mr. CUNNINGHAM said, when a motion had been made and seconded, and any order had been taken upon it, it could not be withdrawn. That was the rule, and the reason of it was this: after a motion has been made, it can be withdrawn by the mover, because it is merely an expression of private opinion; but if it is postponed, if any order is taken upon it, then it is recognized by the House as
is no longer in the power of the mover. His opinion was clearly that the motion could not be withdrawn.

Mr. STEVENS said, the proper way to get at it, would be to ask leave to withdraw it.

The PRESIDENT said, it was not in the power of the Chair, to place any thing in the rule which was not there, and according to the rule, he was obliged to decide that the motion could be withdrawn.

Mr. BROWN assented to the withdrawal of the motion.

Mr. COX said, he would waive his claim to reply now, but there was a time coming, when he would have the opportunity to maintain what he had asserted.

FIRST ARTICLE.

Mr. PURVIANCE then moved that the Convention take up for consideration, the report of the committee on the first article of the Constitution.

Mr. DUNLOP expressed the hope that the gentleman would vary the motion, so as to take up some report, as to which there was no division of opinion in the committee. The committee on the 8th article, unanimously concurred in their report, and he hoped that would be first taken up.

The question being taken, the motion was disagreed to by a vote of 49 to 33.

EIGHTH ARTICLE.

Mr. DUNLOP moved that the Convention proceed to the consideration of the report on the 8th article of the Constitution.

The question being taken, the motion was agreed to, 69 in the affirmative.

Mr. DUNLOP moved that the Convention now resolve itself into a committee of the whole on the Report. After some conversation as to the mode of proceeding, in which Messrs. Meredith, Stevens, and Dunlop, took part, the motion was withdrawn.

Some further conversation followed as to the order of proceeding, and the Convention then resolved itself into a committee of the whole on the report of the committee on the 8th article of the Constitution (Mr. CUNNINGHAM in the Chair.)

The Report was read as follows:

"Mr. Dickey from the committee to whom was referred the 8th article of the Constitution, report the same as committed, without amendment, and in the words following, viz.:

ARTICLE VIII.

OF THE OATH OF OFFICE.

"Members of the General Assembly, and all officers, executive and judicial, shall be bound by oath or affirmation to support the Constitution of this Commonwealth, and to perform the duties of their respective offices with fidelity."

Mr. DUNLOP moved to insert after the word Constitution, the words "of the United States and."

Mr. INGERSOLL called for the ayes and nays on the question.

Mr. Dickey said, that the committee on the 8th article of the Constitution, had unanimously agreed to report the article precisely in the words and terms of the Constitution of Pennsylvania. "The Constitution, as read by the gentleman from Adams, required that in addition to the oath to support the Constitution of the United States, as well as that of his own state. Now, that being the case, he deemed it unnecessary that any clause should be inserted of this kind. He regarded the amendment as wholly unnecessary.

Mr. RUSSELL made some remarks in opposition to the amendment, as unnecessary.

Mr. BELL, of Chester, said, this oath was in effect provided for in the Constitution of the United States, and there was no necessity to re-affirm it in the Constitution of Pennsylvania.

Mr. CHAMBERS, of Franklin, said, the amendment proposed was a proper one, and ought to be adopted. If the Constitution of the United States imposed upon a State officer, an obligation of taking an oath, to support the Constitution of the United States, this provision would tend to affirm it, and could not impair it—it would add to the strength of the obligation. If, on the other hand, it was questionable whether the Constitution of the United States imposes that obligation upon the State officers, who are appointed for State purposes, exclusively, the report would be to affirm it in our own Constitution. No room would then be left for any doubt or cavil; and, at all events, the provision would do no harm.

Mr. CLARKE, of Indiana, said, he was opposed to any prescription, which merely promised to do no harm. Unless it was clearly shown that the amendment would do some good, he would vote against it. He was always disposed to let well enough alone. The line of distinction between the two governments, State and National, he did not wish to be forgotten. We were not called to legislate for the Union, nor to strengthen the bond of the Union. The Constitution of the United States, and the laws of the United States, made assurance sure, and all treaties made under the authority of the United States, are the supreme laws of the land. If they were the supreme laws of the land, why need we add any thing to the force of their obligation? Do the numerous corporations which have the power of making by-laws, undertake to strengthen the laws of the State? He hoped the amendment would not prevail.

Mr. COX entirely agreed with the gentleman from Indiana and the city. He thought it better to leave well enough alone. The reason given against the amendment were conclusive. There might be a time when it would be necessary to call another convention to repeal this provision if we inscribed it now. Knowing the disposition of human nature to change, he would go against all attempts to alter the constitution unnecessarily. If the greatest men in our land sometimes changed their opinions, it would not be extraordinary if the people also changed theirs.

In order to prove that gentlemen of the highest distinction sometimes changed their opinions, and for the purpose of urging this as an argument against the policy of making any changes in the constitution which were not necessary, he would read some extracts from an oration delivered by Mr. Buchanan at Lancaster on the 4th of July, 1816, more than twenty years ago. In a few days, he expected to have some other documents which would throw some further light on this subject. In the mean time, he would read the following:

Mr. CHAMBERS of Franklin, called the gentleman to order.

Mr. COX said he was strictly in order. If he showed that men were in the habit of changing their opinions it would be an argument against unnecessary changes.

Mr. BANKS asked whether it was in the power of the chair to
preserve order. He wished to know whether the gentleman was in

Mr. Cox had yet to learn, he said, that it was so great a reproach

Mr. Chambers, of Franklin, said he would then require that

Mr. Cox expressed his regret that the gentleman from Franklin

Mr. Chambers said, disguise it as the gentleman will, it is his

Mr. Cummin remarked that it could not be imputed to a gentle-

Mr. Cox waived his purpose of introducing the subject at present.

Mr. Sergeant, (The President,) said the doubts expressed by

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Mr. INGERSOLL said, at the instance of a member near him, he would withdraw the call. But as he would not have an opportunity simply to say nay to the proposition, as he had intended to do, he would briefly give the reasons which would induce him to go farther than either of the gentlemen who had opposed the amendment, and to say no to the whole provision reported by the committee. What was an oath of this sort? Every one who had read the history of England knew that, after the revolution ending the succession of Cromwell, and of William, many of the most conscientious men in England, even including Hale, were obliged, within a short time, to take conflicting oaths.

During the revolution in France, men of the most scrupulous hon-

Edmond in 1756, and in 1761, was the only one ever made that was not sworn to.
We swear to support the Constitution of the United States, and what is that? A man may swear to support king Charles and king William, but in swearing to support a Constitution, he swears to support that which he deems to be the Constitution. He allowed the utmost respect for the motives which induced the gentleman from Franklin to bring forward his amendment. He had not been actuated by a desire to place the course of this State in striking contrast with the course of a Southern State which shewed views of nullification. He repeated that he objected even to the provision concerning the oath in the present Constitution, and was in favour of leaving out the whole clause as useless.

Mr. CHAMBERS repelled the idea that he was actuated by a love of change or a desire to multiply oaths. On the contrary, his disposition prompted him to let well alone, nor did he purpose any change in the obligations which are at present imposed on the State officers. It was now the duty of officers to take the oath to support the Constitution of the United States, and his object was merely to specify the extent to which the oath should be administered, and not to leave it in the power of any officer of this State to follow the example of the State officers of South Carolina, and declare that the Constitution of the United States was not obligatory upon them. He wished, by an act of the Convention, to place this matter beyond the reach of such construction. He desired to do nothing further than had been done by other Conventions. The gentleman from Philadelphia county (Mr. Brown) had referred to the Constitution of the State of New York, to show that a similar provision had been embodied in that instrument. He believed, although lie had not had leisure to make examinations, that was the case in many other Constitutions. It was introduced into the Constitution of the new State of Michigan. There was nothing in the amendment which could work any harm. The amendment did no more than re-affirm what was already affirmed in the other Constitution to which we are, in some measure, subordinate. It was intended that they who were required to take the oath, should not be allowed to dispense with the obligation at their discretion. He agreed that the multiplication of oaths had a strong tendency to impair the sanctity of the obligation, but this was no multiplication, it was simply a declaration that the Constitution of the United States was to be regarded as binding in its provision. He dissented in conclusion, from the view taken by the gentleman from the county of Philadelphia, (Mr. Ingersoll,) in opposition to official oaths.

Mr. INGERSOLL explained. He had not said a word about official oaths, about judicial oaths not being regarded as binding. He had spoken of political oaths as not obligatory.

Mr. CHAMBERS said, if any oath was to be administered to state officers, it was that which required them to support the Constitution or government under which they derived their office, and under which that office was to be created. The amendment which had been introduced by his colleague did not look to any changes, or to the multiplication of oaths.

Mr. DUNLOP spoke at some length in support of the proposition to amend, assuring the Convention that he had not brought it forward hastily or unadvisedly, but after due deliberation. He had not jumped to his conclusions quite so hastily perhaps as some of the gentlemen who opposed it, had done. When he was told that the obligation of an official oath, like official treason, was dependent on circumstances, it did not square with his understanding. He thought there was a prevailing disposition to regard the Constitution of the United States with too little respect. There are members who would be very willing to fritter it away by construction. It was urged that this system of oaths was a relic of antiquity, but was it to be put down because it belonged to antiquity? Was there nothing in antiquity which deserves our respect? It was alleged that no oath to support a Constitution was binding, because every man could put his own construction on the Constitution, but he could not be brought to believe that the obligation and circumstance of an oath did not increase its solemnity. There might, it was true, be some gentlemen, and the gentleman from Philadelphia county (Mr. Ingersoll) might be one of them, whose moral sense of duty was so powerful, that no oath could add to the strength of the obligation. But when an Executive officer stands in the face of a hundred thousand of his fellow citizens, and invokes the eternal God to witness the sincerity of the solemn pledge by which he bound himself to the faithful discharge of the trust committed to him; to say that in such a situation, and under circumstances of such awful solemnity, he would feel himself no more constrained to keep his pledge, than if he had not taken any oath, did not meet the reach of such construction. He wished, by an act of the Convention, to place this matter beyond the reach of such construction. He desired to do nothing further than had been done by other Conventions. The gentleman from Philadelphia county (Mr. Brown) had referred to the Constitution of the State of New York, to show that a similar provision had been embodied in that instrument. He believed, although he had not had leisure to make examinations, that was the case in many other Constitutions. It was introduced into the Constitution of the new State of Michigan. There was nothing in the amendment which could work any harm. The amendment did no more than re-affirm what was already affirmed in the other Constitution to which we are, in some measure, subordinate. It was intended that they who were required to take the oath, should not be allowed to dispense with the obligation at their discretion. He agreed that the multiplication of oaths had a strong tendency to impair the sanctity of the obligation, but this was no multiplication, it was simply a declaration that the Constitution of the United States was to be regarded as binding in its provision. He dissented in conclusion, from the view taken by the gentleman from the county of Philadelphia, (Mr. Ingersoll,) in opposition to official oaths.

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Mr. STEVENS declined, after the able arguments which had been made on the subject, adding any thing to strengthen them. But he had risen for the sole purpose of congratulating the body on the strong indications which appeared in the Convention, of a determination not to multiply oaths which could be dispensed with, and to prevent vicious ones. He trusted that the noble sentiments and virtuous principles which he hailed with so much pleasure during this discussion, would be found to have their influence in the action of the Convention when called to vote on the propositions to prohibit the taking of those oaths which, of all others, are the most malignant and blasphemous. The Convention would, in the progress of its labours, be called on to put the seal of its disapprobation on a system which piles oaths upon oaths, to the amount, he believed, of about seventy, sapping the foundations of society, and destroying the efficiency of law. The plant which had now sprung up would, he hoped, flourish, grow, and bear fruit hereafter.

Mr. INGERSOLL said, that without precisely understanding the particular tendency of the remarks of the gentleman from Adams, whether they referred to Masonic or anti-Masonic, or to any other subject, he would give the gentleman the right hand, the grip of friendship, on the sentiments he had uttered. If that gentleman would give his aid in producing those temperate, wholesome, and beneficial reforms which are desired by the people, he (Mr. L.) would cheerfully go with the gentleman from Adams, in the abolition of unnecessary oaths, and this pledge he offered to the gentleman with all sincerity. If the gentleman would support wholesome reforms, he would go with him, and they would begin with the abolishing the oath; and he would vote with the gentleman again in the amelioration, of the constitution, the amelioration of every thing which tends to profaneness, to blasphemy or to perjury, in every shape. He excepted to the remarks of the gentleman from Franklin, (Mr. Chambers,) that the officers who took the oath, swore to support the instrument. It was not so; no man took an oath to support an instrument, but to support the government. The oath to support the constitution was a substitute for the oath of allegiance which is administered in Europe. That was the true theory. It was not an oath to support an instrument. He was not sure that something was not to be exacted after the remarks of two gentlemen from the west, who seemed to have given much reflection to the subject. Circumstances might be assumed which might involve the state in an unpleasant predicament.—Mr. L. went on to state, that the constitution ought to place the government on a stronger foundation than oaths; it ought to stand on the affections of the people. It ought so to be constructed as that every man should feel himself to be a part of it, and thus a tie would be formed between the people and the government, which could not be severed. The amendments he wished to see were those which would effect a moderate and temperate reform, and if such could not be adopted, he desired to see none. He desired to have a government of laws, and not a government of force, such as prevails in Europe. Unless stronger reasons were brought forward in favor of the oath than he had heard, he was willing to dispense with it altogether. As to the spirit of change which shocked some gentlemen, what was it? The greatest of all reformers was time, and that which fifty or sixty years ago was revoluted by our fathers, is now out of date, and their sons believe that they have learned how to found a government in the affections of the people.

Mr. SCOTT, of Philadelphia, said he entertained a certain set of opinions, deliberately formed, which would be the guide of his action, and if the propositions made by the gentleman from Adams, coincided with those opinions, they would have his support. He concurred in the views expressed by the President, and objected to the multiplication of oaths, and referred to the fact that this Convention was now acting without the formality of an oath. He considered oaths as anti-republican in their origin, and rendered unnecessary in our form of government, in consequence of the various modes of accountability by which the faithful performance of public duties was secured among us, by the frequent resort to the ballot box, short terms of office, and the power of impeachment. These checks rendered oaths unnecessary. The Convention was engaged in preparing a Constitution for Pennsylvania which should secure her power and prosperity to future—no not the power and prosperity of the United States, but of the state of Pennsylvania. It was to that alone that the efforts of gentlemen should be directed, and they should leave the people of the United States to take care of themselves, and their own interests. Objections had existed, and might exist again, as there were many who entertained the belief that the Government of the United States had not acted the part of a beneficent nursing parent to the whole people. He was therefore in favour of keeping a single eye to the Constitution of Pennsylvania, and the prosperity of the people of the state, and of doing this as far as could be without multiplying oaths. Without the obligation of an oath he was disposed to do his duty.

Mr. FORWARD said, he would like to know what was the obligation of an official oath, if it was not to discharge the duty of an officer, according to a man's best judgment. No one understood it as a pledge to infallibility; nor did he understand an official oath as containing an obligation to support a government not in existence. He would not, in considering this matter, indulge in forebodings of the day, when there was to be no government of the Union. It was our duty to cherish the idea, that the Union would continue forever. For this reason, he wished to have the proposed amendment inserted in the Constitution of the State, that every man might there see, without looking further, the evidence of our allegiance to a connexion with the Union. He was surprised to hear it contended, that an official oath was of no importan. It was true, the breach of it could not be punished as perjury, but he appealed to gentlemen, whether the universal sense of christian men did not regard the violation of an official oath, as one of the greatest moral delinquencies. There was, then, a punishment for the violation of such an oath. The natural obligation of duty lay upon all men; but the addition of this special obligation, would serve to bind the officer more closely to his duty. If we assume that persons in this country have no conscience, then, it would
Mr. BIDDLE remarked upon the impolicy of increasing the number of oaths, as diminishing the reverence felt for their obligation—especially prospective and constructive oaths to support an instrument.

Mr. CHAMBERS explained, that when he spoke of the supporting an instrument, it was an instrument known as containing the evidence of what the government was. It was the existing constitution or government that was to be supported, and not the mere instrument, under all circumstances, and independent of change.

Mr. BIDDLE asked, whether oaths were respected by the people, and whether the oaths of the Custom House, were not regarded as a by-word. We should carefully avoid the multiplication of such oaths. During the struggles which had occurred between individual States and the general Government, the oaths to support the Constitution of the United States, were entirely disregarded. It they were intended as a bond of union, they had failed of any effect. Oaths would not keep us together, after the affections of the people for the Union were gone. He was opposed to the adoption of the amendment, as one likely to produce much mischief and no good.

Mr. J. R. CHANDLER opposed the amendment because the Constitution of the United States required the oath to be taken, and not because he thought there was danger of destroying its obligatory influence. When a resolution was introduced here to invite clergymen to open the convention with prayer, it was objected to by those whose most attentive to their religious duties in other places, because they believed that there would not be proper attention here. But such is not the fact. So as to the oath. It was said there was no penalty of law sufficient, and oaths were broken. There was one instance of a public officer who wilfully violated his oath. The law could not touch him, but public odium tracked him to his den, and he died in infamy. The Vice President of the United States died a despised wretch. He congratulated the two parties on the other side on their union, as an anti-swearers, society, combined to put down wantonness. He congratulated the new society in its leaders, and hoped they would be blessed in all their proceedings. He would only add, if we have vowed a vow unto the Lord let us keep it.

Mr. MEREDITH remarked that he took the Constitution of the United States to be obligatory upon us, and therefore, he was not disposed to reaffirm the fact in our Constitution. He was opposed to the amendment.

Mr. FORWARD said, other things besides this provision concerning oaths would be common to both instruments. There were many things in the bill of rights similar to provisions in the constitution of the United States.

Mr. MEREDITH did not mean, he said, to enter into any controversy on this subject, nor go into a metaphysical discussion of what the bill of rights might be. The provisions in the amendments to the Constitution of the United States were borrowed from us, not ours from them.

Mr. SERGEANT (President) remarked that there was one or two subjects, in connexion with this question, on which he was extremely desirous of being understood. He did not believe that when the opinions which had been thrown out, came to be fully compared, there would be found any essential difference between his views and those of gentlemen who had supported the amendment. There was not properly any bill of rights in the Constitution of the United States. By certain amendments to that Constitution, the powers not delegated to the United States, nor prohibited to the states, are reserved to the states respectively or to the people. The Constitution of this Commonwealth was different. The people made the state government and gave it certain powers, distributed among the legislative, judicial, and executive departments. If they had stopped there, it might be supposed that they distributed all their power, and that all the power given up was equal to the whole power. But what is called the bill of rights in our Constitution is the rights which the people of the Commonwealth reserved to themselves, and have not parted with; and these rights were to be considered as not granted, or only to the extent laid down. With regard to the Constitution of the United States it was different. In that Constitution all power was reserved which was not granted; but in the Constitution of the state, all power was granted that was not withheld.

In regard to the matter of oaths, the sentiments which he had had the honour to submit to the Convention, were the sentiments of every Christian denomination. Many, taking the scriptural injunction, "Swear not at all," in a literal sense, were opposed to oaths on any occasion. Though he entertained a perfect respect for the scriptures of this large class of citizens, he was himself of opinion that oaths were proper whenever they were necessary. He would be sorry to see the inaugural oath of the President of the United States, dispensed with. It had a good influence, both on the person himself and on others. Oaths of mere formality were unjustifiable and mischievous. He remembered that once, upon debarking, in a foreign country, his baggage was taken possession of by the officers of the customs. An officer handed him a book, and told him to swear that all the articles were of the growth and manufacture of the United States. To this he replied that he would not take that oath, not knowing the fact. Oh, sir, said the officer, it is merely a matter of form; to which he replied, that he could not take an oath as a matter of form. So, in this country, there were, he believed, in relation to executors and other subjects, many unnecessary oaths which might be dispensed with. They should not, in his opinion, be resorted to, unnecessarily, nor on light occasions.

The question was then taken and the motion to amend was negatived.

Mr. BROWN, of the city, offered an amendment to the clause,
by adding after the word "assembly," the words, "shall take an oath to discharge his duties with fidelity, and in obedience to what he believes to be the will of his constituents."

Mr. BROWN, of the county, said, in offering the amendment, he did, he had no other object in view than what the amendment itself expressed. It was well known that two antagonist principles had been held and acted upon in this State, and elsewhere; the one that the constituent was greater than the Representative, the other that the representative was greater than the constituent, the power that creates it. For himself, he said he belonged to that party which held, that the representative was under all circumstances to do what those he represented would do, were they in his place, to act for themselves. Whenever he departed from this line of duty, he ceased to represent his constituents, and acted only as the representative of his own will. His amendment did not point out the mode and manner that should be adopted by the representative, to ascertain the will of those he represented; he left that to his own judgment; but by whatever process his conclusions are formed, he must consider it the highest obligation of duty to obey it. The gentleman from Allegheny had said, that "there was a principle in the conscience of men, that might be reached by an oath;" it was, therefore, that he thought this principle, the right to instruct and the duty to obey, should be incorporated in the oath of the members of the General Assembly. It was notorious that for some years past, many members of the Legislature seemed to have forgotten that they had any constituents at all, and had no other duty than to carry out their own unhallowed and selfish plans. He was anxious to carry into every department of the government, the one great principle, that the voice of the people was the law of the land, and that their voice should be made effective everywhere. As he would bring the subject up in the Convention, he said, he would not trouble the committee further with it now.

The motion was disagreed to.

Mr. HESTER offered the following amendment, to be added to the clause:—and they shall be required further to declare respectively that they have not been engaged, either as principal or second, in any manner whatsoever, in a duel, since the adoption of this amendment to the constitution: And any officer who shall be engaged in a duel in manner aforesaid, shall thereby forfeit his office.

The motion was disagreed to.

Mr. FARLE moved to amend by adding after the word fidelity, the words, "without oppression, extortation, or unlawful exaction."

Mr. E. stated that he should take every occasion to endeavour to introduce something which would operate as a check upon the improper exactions of public officers.

The motion was disagreed to.

Mr. DARLINGTON offered the following, as an amendment, to be added to the clause, "and no other oath, declaration or test shall be required as a qualification for any office."

Mr. MARTIN moved that the committee rise, report progress and ask leave to sit again. This, he said, was a proposition which demanded serious and deliberate consideration.

The question being taken, the motion was agreed to, 54 to 39, and the committee rose, and reported that they had the subject under consideration, and had come to no conclusion thereon; whereupon leave was granted to them to sit again tomorrow.

On motion of Mr. CLARKE,

The Convention then adjourned.

(Continued from No. VII.)

Constitution of the United States.

1. The Congress shall have power to dispose of, and make all needful rules and regulations, respecting the Territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

ARTICLE IV.

1. The United States shall guarantee to every State in this union, a republican form of Government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence.

ARTICLE V.

1. The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

TERMS OF THE DAILY CHRONICLE.

This paper will be published every morning during the session of the Convention at ONE DOLLAR per month. No subscriptions taken for a less time than during the session of the Convention.
CONVENTION PROCEEDINGS.

WEDNESDAY. May 17, 1837.

Mr. CUMMIN offered the following resolution, which was read, laid on the table, and ordered to be printed:

Resolved, That the committee on the 6th article of the Constitution be instructed to amend the second section of said article, so that the freemen of this commonwealth be armed and disciplined for its defence. And that the militia officers be appointed in such manner and for such time as shall be directed by law.

Mr. FARRELLY offered the following resolution, which was read, and referred to the appropriate committee:

Resolved, That the committee on the ninth article of the Constitution be instructed to enquire into the expediency of striking out said article and substituting therefor the following:-

The powers not delegated by this constitution are retained by the people.

Mr. CRUM offered the following resolution, which was read, laid on the table and ordered to be printed:

Resolved, That the committee on the ninth article of the Constitution be instructed to enquire into the expediency of a constitutional provision, requiring the observance of the Sabbath day.

Purdon's Digest.

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

Resolved, That the Secretaries of the Convention purchase one copy of Purdon's Digest, Stroud's edition, for each member of the Convention, and that the expenses be paid out of the contingent fund.

On motion of Mr. W. the resolution was read a second time and considered. On the question of the passage of the resolution, Mr. DICKEY called for the yeas and nays.

Mr. STEVENS said he presumed the gentleman called for the yeas and nays for the purpose of seeing how many members were supplied with the work, at the last session of the Legislature.

Mr. DICKEY said he had called for them in part for this reason, and partly to let the public see who voted for the purchase of a book of laws, which was entirely unnecessary in reference to the discharge of our duties here. We were not here to prepare a digest of the laws of the state.

Mr. WOODWARD said that as it was our object to revise the Constitution, it was highly useful to see what decisions had been made in reference to it, and how it was construed by the judicial tribunals.

Mr. DICKEY could not, he said, see what Purdon's Digest had to do with the business of this Convention. It formed no part of our duty to examine Purdon's Digest, or the laws contained in it. We were here not to digest the laws, but to establish fundamental laws for the basis of our Legislature in future.

Mr. REIGART said, if it was necessary for the members of the Legislature to have this book, it was still more necessary that the members of this Convention should have it. Every constitutional decision and construction could be found in that book, and it was highly important to see what they were.

Mr. DARLINGTON said it was very necessary for us to ascertain what guards and checks were necessary by the constitution of Pennsylvania on incorporations. This was to be learnt from that work, and every member would need it for the purpose of reference.

Mr. COX said if there were any gentlemen here who had copies furnished them by the Legislature, it would not be necessary for them to be supplied again.

Mr. M'DOWELL moved to amend the resolution by adding that when the Convention adjourns, the books should be deposited with the Secretary, for the use of the next Legislature.

Mr. HIESTER moved to amend the amendment by striking out the number in the resolution and inserting fifty copies, which was accepted as a modification by the mover of the amendment.

Mr. CLARKE of Indiana hoped the amendment would prevail, because if it did, the Legislature would distribute the books, and we might as well distribute them ourselves. He had got along thus far in the world without resorting to any popularity traps. He thought the book a useful one, and he should not be deterred by fear of the years and nays from voting for the resolution. He had received many books from the Legislature, and of the whole of them he had not one. They were lent out to magistrates and others and were all usefully employed. He was in favor of furnishing the people with ample information in relation to the laws and the operations of the state government.

The amendment was rejected. Mr. Dickey having withdrawn the call for the yeas and nays, the question being taken on the resolution, it was rejected, nays 57, noes 53, as follows:


The resolution was then called for, and ordered to printed.
Resolved, That the committee on corporations, currency, &c., be instructed to enquire into the expediency of so amending the Constitution as to prohibit the Legislature from granting any act or acts of incorporation for banking purposes, to any company or companies without making the stockholders thereof accountable jointly and severally in their personal, real, and mixed estates, for all the debts or liabilities of such institution or institutions.

Mr. DORAN, of the city, offered the following resolution, which was read and referred.

Resolved, That the Constitution be so amended that there shall be but one criminal court for the city and county of Philadelphia, to have exclusive jurisdiction over all crimes committed in the said city and county, or in any part thereof, the regular sessions of which shall be on the day of every month.

SECRET SOCIETIES, AND JUDICIAL OATHS.

Mr. STEVENS offered the following resolution.

Resolved, That a committee be appointed on the subject of secret societies and extra judicial oaths, and the said committee shall report upon these subjects, nothing but such amendments as they may deem proper.

Mr. EARLE moved to amend the resolution so as to direct the committee to inquire into the expediency of making any provision on the subject.

Mr. DORAN moved to amend the resolution by inserting the words "anti-masonry," so as to read, "secret societies, anti-masons, and judicial oaths."

Mr. MANN called for the yeas and nays, on the adoption of the resolution.

Mr. STEVENS said, I do not rise to discuss the subject before the Convention, nor to answer any remarks or arguments used by the gentleman from the county of Philadelphia, to whom I have occasion to allude. An answer to any remarks of his, I do not expect ever to feel it my duty to furnish in this Convention. Nor should I now notice any thing which he has said, had he not made me say things which I never either conceived or uttered. Nor should I have thought it worth while to contradict what he has put into my mouth, were the effect of his assertions to be confined to this Convention, who heard and understood us both. But I perceive, by accidentally looking at our reported debates, in the Chronicle, that he has put his assertions in print and sent them forth to the people, who have heard and knew neither of us. Valuing, as I do, the good opinion of the people, more than of some of their representatives, I think it my duty to correct the misrepresentations, (unintentional I hope,) made by the gentleman from the county of Philadelphia, (Mr. Doran,) of what I said in debate. The reported speech of that gentleman has the following passage: "The gentleman from Adams, (Mr. Stevens,) intimated, when speaking of the Judiciary Committee, that none but lawyers should, in his opinion, be on that committee, and violently insinuated that none others could make a good Constitution."

"He (Mr. Doran) was not disposed to think as badly of the intellect and judgment of the rest of his fellow citizens as that gentleman."

Now, sir, as my remarks, to which the above purports to be an answer, are not reported, and never will be, if they should wait until I furnish a copy of them, I have thought it my duty, to deny that I ever said or insinuated anything like the above remarks; or from which any intelligent and candid man could have drawn such an inference. I did say, what I repeat, that I believed learned and experienced judges and lawyers were better acquainted with the subject of the Judiciary, than gentlemen of any other profession or occupation could be supposed to be. And I asked whether it was the desire of those who complained of the organization of the committee on the Judiciary, to have that subject taken from upright and respectable judges, and referred to coopers and tinkers, to tinker up a Constitution—not to guard the interests of the honest farmers, mechanics and labourers; but to gratify the wild visions of idle dreamers—not to protect the vested rights of the agriculturists, and the life and liberty of the honest poor man from the overbearing influence, and purusive gold of the rich, but to prostrate all these through a corrupt, dependant, inexperienced, and demagogical Judiciary, before the wild, revolutionary, and agrarian folly of modern reformers.

It is perhaps due to the gentleman from Philadelphia county, (Mr. Doran,) to acknowledge that his arguments and illustrations went very far to convince me that I was wrong, when I asserted, that it was to be presumed that experienced and able judges and lawyers were better acquainted with the subject of Jurisprudence, than gentlemen of any other profession or occupation could be. He repelled this imputation with virtuous and patriotic warmth, and by the way of illustrating his position, exclaimed, "I myself, am a lawyer!" I perceived that the argument, accompanied with the example which he adduced, seemed to have a powerful tendency to convince the Convention that he was right. I therefore, confess my diffidence as to the correctness of my argument.

From the manner in which the gentleman on that and some other occasions noticed the few remarks with which I troubled the Convention, I am led to suppose that he believed me to refer to him. Unwilling to be thought to indulge in any offensive allusions, I assure the gentleman that when I said, "that lawyers were presumed to know more of law than those who had never studied the subject," I meant...
Mr. DEIBNY replied, that the subject had been so long and in- 
dustriously circulated through the country, by the means of news, 
papers and books, and for so many years had been the theme of 
universal discussion, that it must appear very strange, that the gen-
tleman from Chester, should not have been able yet to make up hi5 
mind concerning it. He thought there was no gentleman who could 
now be in doubt as to the vote he ought to give, whether a committee 
should be raised on the subject, or not, considering that the topic 
for many years been familiar to those who heard him. As to 
that part which relates to unnecessary oaths, he thought the dis-
pute an opportunity for that full enquiry to be made—whenever it was 
should be raised on the subject, or not, considering that the topic 
for the reflection due to the importance of the subject. 

Mr. BELL of Chester, stated that, although not generally opposed 
to committees of enquiry, he should be constrained on account of the 
suddenness of this motion, and the impossibility of bringing his mind 
to that deliberate examination which he desired, to vote for the post-
ponement. Other gentlemen who had given their attention to the 
subject, were ready at once to act, but he wished to give himself 
time for the reflection due to the importance of the subject. 

Mr. DENNY replied, that the subject had been so long and in-
dustriously circulated through the country, by the means of news, 
papers and books, and for so many years had been the theme of 
universal discussion, that it must appear very strange, that the gen-
tleman from Chester, should not have been able yet to make up hi5 
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should be raised on the subject, or not, considering that the topic 
for many years been familiar to those who heard him. As to 
that part which relates to unnecessary oaths, he thought the dis-

Mr. MANN wished Mr. Mann to withdraw the call for the 

yeas and nays. 

Mr. MANN said, Mr. President, I would willingly oblige the gent-
leman from Franklin, (Mr. Dunlop,) in many things, but in this 
particular I cannot agree; I deprecate the introduction of any subject 
into this Convention, so totally irrelevant, and unconnected with the 
subject for which we were assembled, and only calculated to break in 
upon our harmony, and mar the peace of this Convention, as well 
as retard the progress of our deliberations. Under this view of the 
subject, I cannot withdraw the call for the yeas and nays, and shall 
vote against the reference to a committee. 

Mr. BELL said, he wished to say a word in reply to what had 
fallen from the gentleman from Allegheny, (Mr. Denny.) He did 
not intend to exhibit an affectation of ignorance on the subject which 
had so long agitated the State. What he desired, was to have time 
to examine what connexion there was between the proposed enquiry 
and the duties which had been devolved upon the Convention. In 
the outset of their labors, he desired to lay it down as a principle, 
that he would never consent to make any change from the mere love 
of change. He was sorry to see a growing disposition to interfere with 
legislation,—to usurp the power of the Legislature. They were sent 
here to frame a system of government to be submitted to the people, 
and he thought they were encroaching on the province of the Legisla-
ture when they went into the arrangement of all the details, which ought 
to be left to be settled in reference to existing circumstances and con-
tingencies. If there was a conviction in the Convention that oaths 
were an evil, it would be perfectly right to bring the action of the 
Legislature to bear upon that evil. In his district he was surrounded 
by anti-masons, and he knew none more patriotic, more honest, or 
more intelligent, than were to be found in that class. But he believed, 
that they did not wish to introduce into the Constitution of the State, 
any unnecessary provisions on the subject of secret meetings and 
oaths. These belonged to ordinary legislation, and was he therefore 
to be accounted unreasonable, because he asked for a little time to 
inquire into the matter? In all honesty, he would promise the gen-
tleman from Adams, (Mr. Stevens,) in all proper cases where enquiry 
was requisite which were fit subjects for the action of the Convention, 
that he would go with him heart and tongue. But he was not to be 
led away by passions and prejudices; he was open to conviction, but 
not to be misled. He would sit here from week to week, from month 
to month, to a year, to accomplish what they were sent for. But he 
could not lend his aid to do that which would produce no practical 
benefit. 

Mr. STEVENS said, the question was, whether the subject 
should be referred to a committee, or postponed. It therefore did 
not involve the question of the principle. But if after nine years 
that the State had been agitated by the subject, the gentleman from 
Chester had not been able to make up his mind, whereas did he 
expect to derive any new information? Did he expect any information 
from abroad? Did he look for suggestions from any friend who was 
now absent? Or did he desire new lights from deeper reflection? If 
so, he would willingly give him a few days to decide on a question, 
which he complained had been so suddenly presented to him. Su-
denly! Was it not known from the first meeting of the Convention, that
ring until the people of this State should have pronounced upon the
despotic power. He objected to the amendment suggested by secret societies, which he said were recognized in the universal prac-
voice of enquiry could be stifled. They also who had shown so much courage in resisting persecution, would not be daunted from perseve-
port which should go forth to the people, and he was opposed to postpone.

Mr. SCOTT, of Philadelphia, went into an elaborate and able view of the effects of secret societies in Europe, by operating as checks upon despotic power. He objected to the amendment suggested by the gentleman from Philadelphia county, (Mr. Doran,) and said the resolution divided itself into two subjects; distinct, yet perhaps connected—secret societies and extra-judicial oaths. There had been a discussion on one of these subjects, and the minds of members had been turned to it, and made up. But as to the other, there had been no discussion or inquiry. There was nothing in the subject so exciting in its nature, as to render it necessary for members to depart from the terms of gentlemanly courtesy to each other, or from their duty to the Commonwealth. He went at large into the principle of secret societies, which he said was recognized in the universal practice of mankind. Even in this chamber, it was acted on the very first day, when the two parties divided, and each went into its secret organization, in which individuals pledged themselves to each other. It was yet to be determined how far, in this republic, freemen were to be prohibited from secret meetings. He hoped that a committee would solemnly and deliberately take up the subject, and make a report which should go forth to the people, and he was opposed to postponement.

Mr. BROWN of the county of Philadelphia said, as he had previously indicated that he would vote for the resolution of the gentleman from Adams in relation to secret societies and extra-judicial oaths; and as he now intended to vote against it in consequence of the amendment of his colleague, Mr. Doran, giving to the committee the power to enquire into the rise and progress of anti-masonry, he would briefly give his reasons for his vote. He thought anti-masonry a political disease, similar to some diseases that affect men once but never return again, and would soon pass away like other political humbugs that had been gotten up within the last fifty years in the United States by political demagogues, to raise themselves into office and power. He did not at any time think the proposition of the gentleman from Adams was one that ought to be brought before the Convention, but as he then thought, and which has since been proved too true, that that gentleman would have that subject before the Convention as one of the many crude notions the Convention would have to suffer to come before it, it would be as well to let him have his committee at once, and relieve the Convention from a further infliction of speeches, and the gentleman's own mind from the burden that seemed to be weighing him down, and disturbing his dreams by day and by night, and which he has every day, and on every occasion, in some shape or other, dragged into the Convention to make a speech upon. He will have it here, and I am willing to let him have it, in his own keeping; but I am not willing to raise committees to inquire into all the political parties that now exist, or that may have existed in this State. We might as well inquire into the rise and progress of whiggery, or any other political name that parties gather under. He said a new political party was rising in the north, from which quarter anti-masonry came, and all the new political notions do come that affect Pennsylvania, which was a crusade against the Catholic religion. Shall we inquire into the rise and progress of this? I am opposed to resolving this Convention into a committee to examine into the rise and progress of parties of which neither my constituents nor myself care nothing. Ought we not rather go on to consider such amendments to the Constitution as the people have sent us here to propose, and leave it to the people themselves to discuss the rise and progress of these subjects?

Mr. SHELLITO of Crawford, said the gentleman from Philadelphia county had just delivered the sentiments which he would have delivered; and the gentleman might have added religion to it. The Convention might as well take on its own, to interfere with religious meetings. He agreed with the gentleman that if the Convention adopted this course, this would be the last Convention ever held in the State.

Mr. BROWN added a few words on the mischief which had been caused in the State of Massachusetts by uniting religion with politics. Mr. STEVENS then modified his resolution by striking out the word "anti-masonry."

Mr. FORWARD said he had no fears on the subject of these societies, nor did he mean to commit his final vote by that he should now give. It was due to a great body of respectable citizens in the state who thought extra-judicial oaths and secret societies the greatest evil, that enquiry should be made.

Mr. DORAN moved to amend, but the motion was not in order. The question to postpone was then negatived, the ayes and nays being withdrawn.

Mr. DORAN then moved to amend by inserting the words "especially anti-masonry, and extra-judicial oaths," which was negatived.

Mr. EARLE said the people in many parts of the state though some action of the Convention necessary on the subject, and it was not for the Convention to say whether the people are right or wrong. He was of opinion with Jefferson, that error might be left free while
reason was left free to combat it. He hoped the question would be considered, and without reference to any particular party.

Mr. BONHAM was opposed to referring this subject to a committee, because he thought a great deal too much time and money had been wasted on it already; and this opinion the people had expressed at the last October election.

Mr. CRAWFORD was also opposed to the motion, as he did not think any good would result from it.

Mr. DUNLOP moved to amend the resolution by inserting the word "standing," so as to render the committee a standing committee, and thereby bring it within the rule which directs the committees to report nothing but amendments to the Constitution. He was desirous that the politics of the day should be kept out of the Convention, and as the standing committees were confined to matters of mere amendment, he would, with this modification, vote for the resolution. But, though many of his constituents were anti-masons, he did not desire to have an investigation made into the question of masonry and anti-masonry, in the shape of a report, to be made to this body, or to be promulgated. But he reserved the right to oppose any amendment which might be reported. He would not, under any circumstances, give a vote to disfranchise any fellow citizen from the mere fact that he belonged to the order of masonry. Time and the march of mind had almost suppressed the order. He had heard high masons say they had no objection to an inquiry here into the merits of the question, nor to the gradual extinction of the order. Some of them might disregard their obligations to the society, but the greater number held a negative position in regard to the order, feeling perfectly indifferent to it. None of them connected themselves with it, He spoke what he believed to have been the wish of his constituents, and followed theirs, and, on one occasion, he disapproved their views in the most direct manner. He voted against a batch of lottery tickets for the relief of turnpike roads of the State, in direct violation of the views of his constituents, and when he returned home, he believed he had not popularity enough remaining to be elected to the station of a constable. But, after a year or two had passed, the people approved of his course, and he was reelected, although he had not considered as one of sufficient importance to justify the appointment of a standing committee. But he would not refuse a committee of inquiry to a gentleman who took the responsibility of it.

Mr. HAYHURST said he should first vote for the amendment, and then for the resolution. He was not well acquainted with the facts in relation to this subject; but if the result of the inquiry should not bring up some stronger reasons in support of an amendment to the Constitution on this subject, than any which he had hitherto heard, he would vote against any proposition of that kind. But still he was one of those who were in favor of a full inquiry, and of obtaining full information from all sources. His course on this subject was in accordance with the views he had always entertained. Nothing could be gained, he believed, by adopting the policy of the dark ages, and shutting out light from the people. But when the whole subject was brought before us, if he saw no additional reasons for making any provision on the subject, he should vote accordingly.

Mr. MERRILL said that he desired a report from the committee more than any thing else. He saw no reason for restricting the committee in this respect.

Mr. DORAN said:—As I shall vote in favor of the resolution of the gentleman from Adams, (Mr. Stevens,) I desire to state briefly my reasons for so doing, in order that my constituents may be informed of them. Mr. President, I am no mason, and have no personal feelings to consult in forming my opinion as to the proper course I ought to take in regard to the resolution. I do not approve of persecuting men under the pretence of patriotism, nor shall I lend my aid to the execution of measures which are in their nature suppressive or inquisitorial. I may be wrong in my opinion of masonry, but I am not so wedded to my opinion that I may not be separated from it by argument and information. My opinion is, and I am not afraid publicly to express it, that the institution of masonry is a useful society, formed for benevolent purposes, and calculated to promote a social and friendly intercourse between man and man, entirely unconnected with political objects, accomplishing every day the beneficent purposes which its founders had in view when they established it, and enrolling amongst its members many, and very many of our most deserving citizens. Yes, sir, history informs us that Washington was a mason as well as Lafayette, men who would belong to no society, the principles of which were in the least degree inimical to civil or religious liberty. Can I then join in the hue and cry against such a society, and to hunt down, vilify, and proscribe its members, from selfish and base motives, and upon the ruin of those men, to raise myself to power and importance? Certainly not. This unholy crusade against them has been too long carried on, and it is time to put a stop to it. In my humble opinion, a full knowledge of the nature of masonry, and a publication of that knowledge to the people, will forever close the mouths of those designing demagogues who find it their interest to be continually talking of its horrors and dangers. The resolution is merely to inquire, not to condemn; and as masons and masonry have nothing to fear from a full and fair examination of their principles, I shall vote in favor of the resolution; and so far shall I go with the gentleman from Adams, but no farther. The res-
port of the committee, should the resolution carry, I hope will be full
and extensive.

Mr. DUNLOP stated that the amendment proposed prohibiting
elaborate reports, met the views of the member from Adams, and he
hoped therefore it would be adopted, and withdrew that part of the
amendment which proposed to constitute the committee asked a stand-
ing committee.

The amendment, which refers the subject to the committee, with
directions to make such amendments as they might think proper, was
agreed to, 47 to 35.

The resolution, as amended, was then adopted, yeas 65, nays 37,
as follows:

YEAS:—Messrs. Agnew Ayres Baldwin Baradollar Barnitz
Beyar Bedford Bell Biddle Brown of Philadelphia, Butler Carey Cham-
bers, Andrew, Candler, Pennsylvania, Clerk of Beaver, Cleavinger Cline
Coates Cochran Copco Cox Craig Crum Cunningham Darlington
Denny Dickey Dickerson Doran Dunlop Earle Farrell Forward
Fry Fuller Gamble Gr铙nell Harris Hayhurst Hiester Henderson
of Allegheny, Henderson of Dauphin, Hopkins Houpt Ingersoll
Johns Keim Kerr Konigsmarch Long Maclay M'Cahen M'Call M'.
Dowell M'Sherry Meredith Merrick Merkle Montgomery Overfield
Pollock Porter of Lancaster, Purviance Reigart Ritter Rogers
Bayard Dillinger Donagho Donnell Fleming Foolkrod Gear-

NAYS:—Messrs. Banks Barclay Bigelow Bonham Brown of
Northampton, Clapp Clark of Indiana, Crain Crawford Cummin
Curliu Darragh Dillinger Donnell Fleming Fouikrod Coar-
hart Gilmore Hamlin Hastings Helfenstein High Hyde Kennedy
Krebs Lymann Magee Mann Myers Nevin Read Sellers
Sheets Shellito Smyth Stickell.

Mr. CURRIO moved that the committee consist of one member
from each Congressional district. Lost.

The committee was then ordered to consist of nine members

Mr. MERRILL offered a resolution for the purchase of fifty co-
pies of Stroud's edition of Purdon's Digest, to be placed in the book
cases of the Hall, and to be paid for out of the contingent fund; and
he moved that it be read a second time, and consider thereupon.

Mr. MILLER, of Fayette, offered the following resolutions, which
were read and laid on the table.

Resolved, That the committee on the fifth article, be requested to
amend said article, that the Governor shall nominate, and by and
with the advice and consent of the Senate, appoint the Judges of the
Supreme Court for the term of nine years, and the President Judges
for the County Courts for the term of seven years, if so long they be
have themselves willing.

2d. Associate Judges for the county courts, to serve for seven
years. Prothonotaries who shall perform the duties of Clerk to the
courts of oyer and termers and quarter sessions. Recorders, who
shall perform the duties of register of wills, and clerk of the orphans' court.
Prosecuting attorneys for the Commonwealth and county
courts to serve for three years, and shall be chosen by the quali-

Resolved, That the committee on the first article be instructed to
report in favour of reducing the senatorial term to two years, so
that one half of that body may be elected every year.

Resolved, That the said committee be instructed to report against
the establishment of any lottery, or the sale of lottery tickets in this
State.

Resolved, That the said committee be instructed to inquire into
the expediency of the Legislature meeting on the first Monday in
January of every year, unless sooner convened by the Governor,
and adjourn on the first Monday in April, except in case of insur-
rection or actual war.

Mr. DARRAGH, of Delaware, offered the following resolution,
which was read, laid on the table, and referred to the proper com-
mittee.

Resolved, That the committee on the first article of the Constitu-
tion, be instructed to inquire into the expediency of altering the
seventeenth section of said article as follows: The members of the
legislature shall receive for their services a compensation to be ascer-
tained by law, and paid out of the public treasury; but no increase of
the compensation shall take effect during the term for which the
members of either branch shall have been elected; and such com-
ensation shall never exceed three dollars a day.

Resolved, That no member of the Legislature shall receive any
civil appointment from the Governor and Senate, or from the Legis-
lature, during the term for which he is elected, or for one year there-
after.

THIRD ARTICLE.

Mr. CUNNINGHAM, from the committee on the third article,
made the following report, which was read.

The committee to whom was referred the third article of the
Constitution report

The first section amended as follows, and the two other sections
without amendment, as follows:

ARTICLE THIRD.—Of Elections.

Sec. 1. In elections by the citizens, every freeman of the age of
twenty-one years and upwards, who has resided in the State one
year, immediately preceding such election, shall be entitled to vote
in the county or district in which he shall reside.

Sec. 2. All elections shall be by ballot, except those by person
in their representative capacities, who shall vote viva voce.

Sec. 3. Ejectors shall in all cases, except treason, felony and
breach of the peace, be privileged from arrest during their
attendance on elections, and in going to and returning from them.

Mr. JENKS, from the minority of the committee, on the thirt
article, made the following report, which was read.

The undersigned, a minority of the committee to whom was re-
ferred the third article of the Constitution, submit the following re-
port, viz.

That they have had the subject under consideration, and report
an amendment to section first, one instead of two years resident
&c. The remainder of the section they report without amendment.

To the end of the section they report the following additional
vise, viz.
And provided further that the sons of persons qualified as aforesaid, shall have a right to vote between the ages aforesaid, although their fathers may have been dead more than one year.

The second and third sections, they report without amendment.

PHINEAS JENKS.
DANIEL SAEGER.
JOHN CLARK.

FUTURE AMENDMENTS.

Mr. EARLE, from the committee on the subject of future amendments, presented a unanimous report on the subject, which was read, as follows.

The committee to which was referred the resolution concerning the expediency of providing a mode by which future amendments to the Constitution may be made, at the desire and by the act of the people, report the following amendment, to be added to the Constitution as an additional article.

ARTICLE X.

Any amendment or amendments to this Constitution may be proposed to the Senate or Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon: and the Secretary of the Commonwealth shall cause the same to be published as soon as practicable, in at least one newspaper in every county in which a newspaper shall be published; and if in the Legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in manner aforesaid, and such proposed amendment or amendments shall be submitted to the people at such time and manner, at least three months distant, as the Legislature shall prescribe; and if the people shall affirm and ratify such amendment or amendments by a majority of the qualified voters of this State who shall vote thereon, such amendment or amendments shall become a part of the Constitution.

The resolutions heretofore offered by Messrs. Banks, Fuller, Ritter, Konigmacher and Curll, were severally taken up, read a second time, and agreed to.

EIGHTH ARTICLE OF THE CONSTITUTION.

The Convention again resolved itself into the committee of the whole on the eighth article of the Constitution, relative to the oath of office.

Mr. Cunningham in the chair.

When the committee rose yesterday the question was pending on the following amendment, submitted by Mr. Darlington of Chester, to come in at the end of the eighth article:

"And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

Mr. DARLINGTON said that in offering this amendment he did it with considerable diffidence in his own opinion of its being the proper time, and the proper place. He wished in the outset, to disclaim any intention to introduce any thing of a sectarian or a party character into the Convention. His object was merely to have engrafted, in some shape, into the Constitution, what all allowed to be right, and none would contend to be wrong. It had been suggested to him, that a provision was already in the Constitution guarding the rights which his amendment was intended to guard. He submitted with great deference, to the more enlightened opinions of others, and if it could be shown that the amendment was unnecessary, or that the provision could better be put into some other place, he would cheerfully withdraw the amendment. He believed that there should be no power to prescribe any other test,—and that no other oath should be required of any officer than the one prescribed by the Constitution. It ought to be put out of the power of any Legislature to impose any obligation which is not required by the Article under consideration. He said, that he knew there had not been any instances of oppression under the present instrument; that the time might come, when there might be, and he believed that now was the time to place new guards in order to preserve the rights of conscience when we were in the full enjoyment of those rights. In England, the country from whence we derive all our laws, there was a large number disqualified by their religious principles, from holding office. Even in some of the States of this Union, there was a disability resting upon the Jews. In the Constitutions of Massachusetts and Maryland a clause was inserted, that every officer must profess the Christian religion. In the city of Philadelphia there was some years ago a person, who was a Jew, who had been placed upon a ticket for the Legislature and failed to be elected. And the general impression was, that he lost his election by reason of his religious principles. There was another large class, the Universalists, who were supposed by many in the community not to be eligible to office, in consequence of a supposition that their moral obligations were not as binding upon the conscience as required by the Constitution. The society of Friends—and he was born and educated a member of that society, might some day be disfranchised in consequence of their religious opinions, and rendered incapable of holding office. He said he wished to be distinctly understood in his motives for offering this amendment. It was not to introduce sectarian views; it was not to weaken the moral obligations of this community; not to offence from the public mind the principles of the Christian religion, but to place sufficient guards in the Constitution to protect the rights of conscience and religious freedom. This provision was found in substance in the Constitution of the United States: it was found in the Constitution of Massachusetts, and also in that of Virginia; and the Constitution of the state of New York contained the very words of the amendment. It was therefore nothing new, and in some way ought to be introduced into the Constitution of Pennsylvania.

Mr. FULLER of Fayette, suggested, that the passage of the amendment would conflict with the obligation, to be bound by oath or affirmation to support the Constitution of the United States.

Mr. REIGART of Lancaster, thought that the eighth article was not the proper place for this subject. In the bill of rights the liberty of conscience was sufficiently guaranteed, and when the committee reported, if the guarantee was stricken out, the gentleman could move to have it restored. The adoption of this amendment was in his opinion unnecessary, and not only so, but it might inter-
were with the action of the committee on the bill of rights. That
the amendment was wholly unnecessary, might be fairly inferred,
from the fact, that not a single instance could be named, in the whole
period, from the adoption of the Constitution of the present, which
was forty-seven years, in which any man had been excluded from
office in consequence of his religious opinions. Now if no incon-
venience had been experienced for nearly half a century, he appre-
hended that none would ever be. The gentleman from Chester
had cited a case of a gentleman who had been nominated for the
legislature and defeated, in consequence of his being an Israelite.
Was his defeat in consequence of constitutional disabilities? He
was a candidate before the people, and the reason why he did not
choose to elect him. It was owing to no disqualification by the Constitution, but to the exercise
of the right of the people to choose those whom they prefer, to
represent them. The gentleman had himself admitted that no case
had occurred, where any inconvenience had been felt by the people
under the article of the Constitution, as it is, and he apprehended
that none ever would occur.

Mr. DARLINGTON said, that he cited the case of the Jew in
Philadelphia, not to show the oath of office occasioned his defeat,
but to show that the general impression was that he lost his election
by reason of his religious principles.

Mr. READ of Susquehanna rose to correct an error into which
the gentleman from Somerset had fallen in the course of his remarks
in which he stated that no inconvenience had been experienced by
the community in relation to this subject. Perhaps this may have
been true in respect to the oath of office, but as it respected judicial pro-
ceedings, there had been not only great inconvenience experienced
but great injustice done. He had heard it asserted, and he believed
there were persons present who knew the particulars, that in one in-
stance a Jew had been punished, who refused to serve on a jury on
the seventh day of the week. There was another case with the par-
ticulars, that none ever would occur.

Mr. REIGART replied, that the case quoted by the gentleman
who had just taken his seat, did not apply to the question before the
Convention. It was a mere arbitrary decision of the court, which no
provision of the Constitution could remedy, and not in consequence
of any defect in the Constitution of Pennsylvania.

The article of the Constitution under consideration refers to of-
official and not judicial oaths. They are separate and distinct, and it
seemed to him that the whole argument of those in favor of the am-
endment, turned upon a misconception of the provision.

Mr. REED said that he concurred with the gentleman from Lan-
caster, that the case which he had mentioned, was an arbitrary exer-
cise of judicial power, and not justified by the Constitution. He re-
ferred to it, in order to show that some inconveniences had occurred
to abridge the rights of conscience. There was no doubt, if persons
holding office and entertaining the same religious opinions as the gen-


 offices, it would have been decided by this judge that they were dis-
franchised in consequence of their religious opinions.

Mr. CRAIG said, while in committee yesterday, it was said that
we ought not to make amendment to our Constitution, unless those
changes were advantageous; a principle generally acceded to.
Surely then you ought not to make changes in our Constitution cal-
ducated to do a positive injury, and he regarded the amendment now
offered, of that character. The gentleman from Chester (Mr. Dar-
lington) may not and he hoped did not intend his motion to embrace
so wide a range as he conceived it did. If the motion prevails, it
would repeal that article of the Constitution in the bill of rights which
requires a test or declaration of belief by those who are the officers of
this Commonwealth—and thus all restraints being removed, you open
the way to office for men who do not believe in the being of a God,
and a future state of rewards and punishments. The question there-
fore, is, should this Constitution be based on Christian principles or
not? Those principles which have been recognized by all your laws
and Constitutions from the earliest period up to the present time.

Mr. C. disclaimed having any wish for sectarian preferences being
introduced into our Constitution—he did not wish to join Church
and State—he would vote against any thing of that kind. Our Con-
istution does not recognize such a principle. The gentleman from
Chester (Mr. D.) referred to the case of a Jew in Philadelphia.
Sir, a Jew is not prohibited from office by our Constitution; neither
is a Mahometan; he professes to believe in a future state and a Su-
preme Being; Clergy, by the framers of our Constitution, had expand-
ed views of a future state, and might have held office under our pre-
sent Constitution. Those views of a future state were very imperfect
without the aid of revelation; but they are in some manner or degree
understood and believed, even by the Indians of the forest. There are,
however, men in Christian lands, even in this land, who wish there
was not a future state nor a Supreme Being; who have given themselves
to licentiousness, hardened their hearts and run up on their own destruction
until they are given up to strong delusion to believe a lie. Are these
the men to whom you wish to open the door of office, and ask them to
make a solemn appeal to the Supreme being when they do not believe
there is such a being. France tried the experiment on a large scale.
Under the influence of Voltaire’s principles, she expunged the name of
the Supreme Being from her statute book; and what was the con-
sequence? A total abandonment to unlawful lusts and passions until
the land was throughout with blood, until force of circumstances and ex-
perience compelled them to restore and recognise this principle in
their frame of government and laws, where it now is to be found.
Those brave men who signed your Declaration of Independence
expressed their dependence on and made a solemn appeal to the Supreme
Ruler of the universe. This Convention has recognised the being of a God, and our dependence on him in giving the ministers of the
gospel an invitation to open our session every morning. I will give
one more authority to show that our government ought to be based
on Christian principles, and this authority is one which will be re-
garded as orthodox, not only by this committee, but also by the
whole enlightened world. In his last farewell address, Gen. Wash-
ington enjoined it on the American people to encourage and cultivate
the Christian religion, as no republican government could long exist
as a republic without it.

Mr. DARLINGTON said, that in the first place he had discarded
the intention of weakening religious obligations by the amendment,
or interfering with the bill of rights, and perceiving that some dele-
gates were not prepared to vote understandingly on the subject, he
would withdraw the amendment, reserving to himself the privilege of
offering it upon some future occasion, should he think fit so to do.

The amendment being withdrawn, the VIII. article of the Constitu-
tion was agreed to, when the committee rose and reported it to the
Convention without amendment. Adjourned.
CONVENTION PROCEEDINGS.

In consequence of the great press of matter in our paper of Wednesday the 17th, the following resolutions received but a slight notice.

On motion of Mr. BANKS, the following resolution, offered by him on the 9th inst., was read and considered a second time, and agreed to.

Resolved, That the Secretary of the Commonwealth be requested to furnish the Convention with a statement or table, of the number of taxable inhabitants in the respective wards of the several cities, and the respective boroughs and townships of the several counties in the State, according to the enumeration made in 1835 and '36.

The following resolution, offered on the 9th inst., by Mr. FULLER, was on his motion, taken up, considered, and agreed to.

Resolved, That the Secretary of the Commonwealth, be requested to furnish this Convention with a statement containing the whole number of incorporated companies, for banking and other purposes, within this Commonwealth; also the amount of capital employed, and the dates of the acts of incorporation, under their respective or appropriate heads.

The following resolution, offered by Mr. KONIGMACHER, on the 11th inst., was on his motion, taken up, considered, and agreed to.

Resolved, That the Secretary of the Commonwealth be requested to furnish this Convention with a statement, exhibiting the number of persons executed since the adoption of the present Constitution.

The following resolution, offered on the 11th inst., by Mr. KONIGMACHER, was on his motion, taken up, considered, and agreed to.

Resolved, That the Secretary of the Commonwealth be requested to inform this Convention what number of pardons have been granted by the Governors of this State, distinguishing the administration of each, under the present Constitution.

The following resolution, offered by Mr. CURRLL on the 15th inst., was on his motion, taken up on a second reading, considered and referred.

Resolved, That the legislative power relative to the incorporation of banking companies, shall be so restricted, that no charter shall be granted for a longer time than ten years, nor any note of a less denomination than $50 issued: and that the books, papers and vouchers of every banking institution, shall be subject to the inspection and supervision of the Legislature, who (if they discover that any bank is devoted from the business for which it was created) shall forthwith declare the charter null and void, and the real and personal estates of the stockholders, both in their corporate and individual capacity shall be liable for the payment of the notes in circulation or in the hands of the people.

THURSDAY, May 18, 1837.

The following was announced as the committee appointed on the subject of Secret Societies and Extra Judicial Oaths, under the resolution of Mr. Stevens.

Messrs. Stevens, Denny, Scott, Bonham, Cox, Dunlop, Clark of Dauphin, Porter of Lancaster, and M'Cahen.

[The resolution above mentioned, as finally adopted, is as follows:]

Resolved, That a committee be appointed on the subject of Secret Societies and Extra Judicial Oaths, and the said committee shall report upon these subjects nothing but such amendments as they shall deem proper.

Mr. M'DOWELL offered the following resolution, which was read, laid on the table and ordered to be printed.

Resolved, That the second section of the fifth article of the Constitution, be so amended that the several Judges of the Supreme Courts, shall hold their offices during a term of fifteen years, and that the several Judges of the Courts of Common Pleas, Oyer and Terminer, General Jail Delivery, Orphans' Court and Court of Quarter Sessions of the Peace, shall hold their offices during the period of ten years.

Resolved, That the tenth section of the same article, be so amended as to read thus: The Governor shall appoint a competent number of Justices of the Peace, in the several counties of this Commonwealth, but shall in no instance appoint more than two in any one township, unless application be made in writing, signed by two-thirds of the qualified electors of said township. The said justices shall hold their commissions during the term of five years, but may be removed on conviction of misbehaviour in office or of any infamous crime, or on the address of two-thirds of both Houses of the Legislature.

Resolved, That the third section of the first article of the Constitution, be so amended that no person shall be a Representative, who shall not have attained the age of twenty-four years. And that the eighth section be so amended, that no person shall be a Senator, who shall not have attained the age of twenty-eight years.

Mr. KREBS offered the following resolution, which was read, laid on the table, and ordered to be printed.

Resolved, That the committee on the first article of the Constitu-
Being, That the following amendments be added to article four of the Constitution:

1. At the end of section one, add these words, viz:

And Provided, That no person who has made any bet or wager on the result of any election, shall be entitled to vote at such election.

Also add the following:

Sec. 4. To secure fairness and impartiality, and a representation of the minority in the reception and counting of votes, the qualified voters of each ward and township in this Commonwealth, shall on the day of.

Of every bill which shall have passed both houses of the legislature, or any two or more distinct appropriations, except appropriations to works and improvements, exclusively, belonging to and carried on by the State.

That the following amendments be added to article four of the Constitution:

1. The Senatorial term to be two years.

2. The Legislature shall meet on the first Tuesday of January, in each year, unless sooner convened by the Governor.

3. That the Legislature shall have the power to attach or unite in any one bill passed into a law, two or more subjects or objects of legislation, or any two or more distinct appropriations, except appropriations to works and improvements, exclusively, belonging to and carried on by the State.

4. That a citizen of the United States, may be a Senator or Representative of this State, if he has been an inhabitant of this State one year, next before his election.

Resolved, That the committee on the second article of the Constitution, be instructed to inquire into the expediency of so amending said article:

1. That no person shall be capable of holding the office of Governor, longer than two terms.

2. The Governor to appoint, with the consent of the Senate, the Judges of the Supreme Court, and the President Judges of the County Courts, for a term of years.

3. That the Associate Judges, Prothonotaries, Register, Recorder, and Clerks of Courts, and Justices of the Peace, be elected by the people, for a term of years.

Resolved, That the committee on the third article of the Constitution, be instructed to inquire into the expediency of so amending said article:

That a freeman of the age of twenty-one years, having resided in the State six months, shall be entitled to vote at the general elections.

Mr. MAGEE offered the following resolution, which was read, laid on the table and ordered to be printed.

Resolved, That the committee on the fifth article of the Constitution, be instructed to inquire into the expediency of so altering the tenth section of said article, that the Justices of the Peace be elected triennially by the people, and that they give bond for the faithful performance of duty.

Mr. RITER offered the following resolution:

Resolved, That the Secretary of the Commonwealth, be requested to prepare for this Convention, a statement of the number of cases of impeachment and investigation, with a view to removal by address or otherwise, of Judges and Justices of the Peace, which have taken place since the year eighteen hundred and twenty, together with a statement of the actual number of convictions and removals, under such proceedings.

Mr. COATES offered the following resolution, which was read, laid on the table and ordered to be printed.

Resolved, That the following amendments be added to article four of the Constitution:

And Provided, That no person who has made any bet or wager on the result of any election, shall be entitled to vote at such election.

Also add the following:

Sec. 4. To secure fairness and impartiality, and a representation of the minority in the reception and counting of votes, the qualified voters of each ward and township in this Commonwealth, shall on the day of.

Every bill which shall have passed both houses shall be presented to the Governor; if he approves, he shall sign it; but if he shall not approve, he shall return it with his objections within ten days after it shall have been presented to him, and his objections...
Mr. MERRILL, of Union, moved that the Convention proceed to the consideration of the following resolution, yesterday offered by him.

Resolved, That the Secretary be directed to purchase fifty copies of Stroud's edition of Purdon's Digest, to be placed in the book-cases of the Hall, to be paid for out of the contingent fund.

Mr. FLEMING of Lycoming, moved to strike out fifty copies and insert one hundred and thirty-three.

Mr. DARLINGTON suggested a modification.

Mr. DICKEY asked the yeas and nays on the amendment.

Mr. ❄️ asked the yeas and nays on the amendment.

Mr. ❄️ suggested a modification.

Mr. ❄️ asked the yeas and nays on the amendment.

The Chair stated that the substance of the motion of the gentleman from Lycoming had not been decided upon.

Mr. MERRILL said he would be glad to hear some reason in favor of so large a number of copies.

Mr. FLEMING said if fifty copies were necessary, 133 copies were necessary. He was opposed to putting the books into the library. It would amount to a purchase after all, and then they would probably be carried off. We might as well give them to ourselves directly. He opposed that proposition also on the ground that it was an infringement upon the practice of the Legislature. He thought it highly necessary that we should have the book. He confessed that, though somewhat familiar with the legislation of the State, he felt daily the want of a review of that legislation. Other gentlemen might not feel the same necessity; but he would not withhold a ray of light from a single member of the body, when it was asked. The dollar and cent policy ought not to be pursued on this occasion.

Mr. DICKEY said, though the resolution came to us, to-day, in a new shape, yet it was liable to the same objections, which he urged against it yesterday. The gentleman from Lycoming had not given a single reason which could justify the purchase of these books. It was nothing more nor less than an appropriation of a thousand dollars out of the Treasury for the purchase of books for the members of this body, without any reference to the performance of their duties here. The gentleman from Lycoming had said that some members from the West had been supplied with his books by the Legislature. If he was alluded to, and if the gentleman would not consider it as an insult, he would offer him his copy as a present. We had come here to frame fundamental laws of the land, and gentlemen employed themselves in legislation for the purchase of books. For any necessary works, connected with our duties, he would vote. He had voted in favor of the purchase of the Debates of the Convention of 1780. If this book was bought, we should follow the example of the Legislature of last year, and purchase Parke and Johnson's Digest also. Should the amendment be lost, he would then call for the yeas and nays on the passage of the original Resolution.

Mr. STEVENS said he thought he could now get a bargain out of the gentleman from Beaver. If the gentleman from Lycoming did not accept the offer, with his permission, he would take the book received from the Legislature by the gentleman from Beaver, and vote against the resolution.

Mr. FLEMING said he would never refuse a friendly offer; and he would accept the work so politely offered.

[The book was accordingly sent by the gentleman from Beaver to Mr. F.]

Mr. HAYHURST said, in point of principle he could not vote for an amendment of this kind. If the Convention had a right to add to the State Library, they could carry the right to any extent, and create a splendid Library. He must first vote against the amendment, and then against the resolution.

The question being taken on the amendment, by yeas and nays, it was determined in the affirmative, yeas 63, nays 55, as follows:


Messrs. Agnew, Banks, Barclay, Barndollar, Bedford, Bell, Biegel, Carey, Chambers, Clapp, Clark of Beaver, Clark of Dauphin, Cline, Craig, Crain, Crawford, Darrach, Denny, Dickey, Dickson, Dillinger, Fry, Fuller, Gearhart, Gilmore, Harris, Hayhurst, Hieger, High, Ingersoll, Jenks, Keim, Kennedy, Kerr, Konigsmacher, Krebs, Magee, M'Call, M'Dowell, M'Sherry, Merrill, Merkle, Miller, Montgomery, Myers, Purviance, Read, Ritter, Royer, Snapper, Scott, Seltzer, Serrill, Still, Smith, Snively, Weaver, White.—Nays, 55.

Mr. STEVENS moved to amend the resolution by inserting "one hundred," after the word Digest, so as to provide that one copy of the book should be deposited in the Library: which motion was seconded by Mr. Merrill. The amendment was agreed to.

The question being on the resolution, as amended, the yeas and nays were demanded by Mr. Dickey.
Mr. MERRILL said, he had not thought of purchasing so many copies. He did not apprehend any scrabbling to obtain them.

Mr. FLEMING, of Lycoming, explained that he had applied the expression to the Legislature, on the authority of a member of the Legislature, the gentleman from Indiana, who had stated that such was the case.

Mr. MERRILL said, that explanation might do very well so far as it excluded this body from the imputation, but still it implicated another honourable body, and as he presumed, without any truth. He had no objection to have any number of copies the Convention might think fit, but he wished them to be placed in the library, and not that members should appropriate them to themselves.

Mr. M'CAHEN, of Philadelphia county, stated in a few words the reasons which would induce him to give his vote for the resolution.

Mr. FORWARD, of Allegheny, said he had hoped some gentleman would, in the course of the discussion, have alluded to the reasons which would influence his vote, and to which he would not have adverted if they had been touched upon by any other gentleman. He regarded the legislation of the country as the best history of the country; and that the best monuments of the wisdom of a country were to be found in her statute books. He did not suppose that any gentleman would be disposed to shut his eyes against the experience of the country, against the legislative experience, as it was to be found on the enactments; and if not, he would vote for this work. The most valuable experience to which they could look was the legislative experience. Would any gentleman tear away a leaf from the Constitution, before he had looked to the laws, and the construction which had been given to it, and the character of its operation on the State? We have corporations; we have corporations with banking powers; is not the legislative experience of the Commonwealth of some experience on this point? Did every gentleman in this Convention understand the laws in relation to banking? Was it not essential to obtain those lights which could be thrown from this work upon the various important subjects before the Convention? He desired to look into the legislative history of Pennsylvania. It had been said that the Convention was not sent here to make enactments, but to form a Constitution. Neither was it sent to make Constitutions for Massachusetts, Virginia, and New York; but it desired to have the proceedings of the Conventions before it, to which it might look for a guide. For himself, he had no objection to have this work, and after he had received it, to take it home.

Mr. DICKEY said he would only give a word in reply. He admitted that every gentleman ought to be acquainted with the legislative history of the country. But for this purpose it was not necessary that he should have Stroud's edition of Purdon's Digest. If he sought to inform himself on this subject, let him look to these halls of legislation; let him go into the library up stairs, and derive his knowledge from the direct sources; let him look to the volumes of names to be thus recorded. Would it not be preferable to go on to statutes, and not to this Digest. And after all, would it not be necessary to go to the courts of law for their construction, before he could be able to form a correct opinion. Because there were the laws, the charters, the adjudgments, and the people to pass upon the work? There on the corporations and the banks in the Digest, these could not be many learned and intelligent gentlemen, differing with him in the comprehension of the whole history of those institutions. You must go to the courts of law, for the elucidations on the subject of vested rights and chartered privileges.

After a verbal modification of no importance, the question on the resolution as amended, was taken by ayes and nays, and decided in the affirmative, ayes 65, nays 57, the vote being as follows—


NAYS.—Messrs. Agnew, Banks, Bedford, Bell, Brown of Philadelphia, Carey, Chambers, Clapp, Clark of Beaver, Clark of Dauphin, Cline, Craig, Crain, Crawford, Crum, Darragh, Denny, Dickery, Dickerson, Dillingier, Donagan, Dunlop, Fry, Fuller, Gearhart, Gilmore, Harris, Hayhurst, Hiestet, High, Ingersoll, Jenks, Keim, Kennedy, Kerr, Konigmacher, Krebs, Magee, M'Cull, M'Sherry, Merkle, Miller, Montgomery, Myers, Purvisance, Read, Ritter, Sanger, Seltzer, Serril, Still, Smyth, Taggart, White, Young.—57.

Eighth Article.

The report of the committee of the whole on the 8th Article, was then taken up for consideration. The committee having reported the Article without amendment, and the question being on the second reading of the Article,

Mr. M'SHERRY of Adams, submitted a motion to postpone the further action upon this report, and to proceed to the consideration of another report. He thought it would kill time to go through the committee of the whole with the various reports in succession, and then going upon them together. This would prevent the necessity of reconsidering and retranscribing. The Convention could lay this aside for the present, and proceed to the consideration of the fourth Article.

Mr. INGERSOLL said he always deferred with the greatest possible respect to the sentiments and suggestions of the gentlemen from Adams, whose great experience entitled his opinions to the utmost weight. But he wished to enquire whether it would not be proper to give the article a second reading at this time, in order that gentlemen who desired to do so, might have an opportunity to record their reasons which would induce him to give his vote for the resolution. After all, would it not be necessary to go to the courts of law for their construction, before he could be able to form a correct opinion. Because there were the laws, and the charters, and the adjudgments, and the people to pass upon the work? There on the corporations and the banks in the Digest, these could not be many learned and intelligent gentlemen, differing with him in comprehension of the whole history of those institutions. You must go to the courts of law, for the elucidations on the subject of vested rights and chartered privileges.

After a verbal modification of no importance, the question on the resolution as amended, was taken by ayes and nays, and decided in the affirmative, ayes 65, nays 57, the vote being as follows—


NAYS.—Messrs. Agnew, Banks, Bedford, Bell, Brown of Philadelphia, Carey, Chambers, Clapp, Clark of Beaver, Clark of Dauphin, Cline, Craig, Crain, Crawford, Crum, Darragh, Denny, Dickery, Dickerson, Dillingier, Donagan, Dunlop, Fry, Fuller, Gearhart, Gilmore, Harris, Hayhurst, Hiestet, High, Ingersoll, Jenks, Keim, Kennedy, Kerr, Konigmacher, Krebs, Magee, M'Cull, M'Sherry, Merkle, Miller, Montgomery, Myers, Purvisance, Read, Ritter, Sanger, Seltzer, Serril, Still, Smyth, Taggart, White, Young.—57.
Mr. CLARKE, of Indiana, coincided in the mode which had been suggested by the gentleman from Adams, as the best which could be adopted. He thought the gentleman from Philadelphia county was labouring under a mistake about the opportunity which would be given of recording names. If the motion prevailed, the Articles would be taken up in the committee of the whole, one after the other, and then (said he) the Convention will arrive at what I wanted at the first. I always think the majority is right, although it did go against me. They might then have all the amendments printed, take up the Constitution in Convention, and go through it regularly, giving every gentleman an opportunity of making his amendments therein, and having a vote upon them, with the ayes and nays. And after the second reading was gone through, and he was very much pleased at the proposition which had come from the gentleman from Philadelphia county on this subject, the Convention might adjourn over until the next spring. He thought the present action somewhat premature, because the postponement would prevent those that desired it from having the privilege of recording their names in the ayes and nays.

Mr. INGERSOLL, said, the opinion just expressed by the chair, threw into the Convention a question of immense importance. Unskilled as he was, he was unable to point out a remedy, or even to come to a correct comprehension of the subject. He wished to hear the judgment of the gentleman from Adams, and other experienced gentlemen on this point. He should be sorry that they should, after going along some weeks, find that they had been caught, not by the design of any gentleman, but by a rule, which might place them in a position from which they would not be able to go back into the committee without a vote of two-thirds. On the subject of the opportunity to gentlemen to record their names, he could not, with all the high respect he felt for the experience and judgment of the gentleman from Adams, and the gentleman from Indiana, yield the opinion, that they might have fallen into some error. If the report were now laid by, how would it be hereafter taken up?

Mr. M'SHERRY explained, that if the subject were now postponed, it could be taken up again at any time, at the pleasure of the Convention. It might be called up again to-morrow, if the Convention should so determine.

Mr. INGERSOLL said, that he fully understood, but he was not, himself, so clearly understood. He wished to know in what situation the business would be when it was taken up again? Would it be possible to go back to an amendment without the vote of two-thirds? The 8th article had been gone through without any amendment. Various amendments were submitted in committee of the whole, which had been all negatived, and probably the result would be the same as the calling of the ayes and noes. One amendment had been proposed by the respectable gentleman from Chester, (Mr. Darlington,) which was of vital importance. That, and another which might be submitted, were as yet undecided. He had himself said, in committee of the whole, that he desired to record his vote in the negative against political oaths; and he was now disposed to record his "no," to the 8th article altogether. He considered what passed in committee of the whole, as little more than mere conversation, preliminary to a discussion and a decision, and therefore, he thought that postponement at this time, was premature. If it were to be
passed by as it is, nothing would be known. The article on impeachments was the next in order, and he thought it would be premature to proceed to the consideration of that, before the Convention had shown something of its opinions on record, as to the 8th article.

Mr. MEREDITH of Philadelphia expressed his approbation of what had fallen from the gentleman from Adams and the gentleman from Indiana, and thought that the more deliberation was given to the subject before the Convention, the better would be the result. He repeated what he understood to be the plan suggested by the gentleman from Adams, and was decided in his opinion that the same judicious course would be to go through with the amendments, and have them all printed together prior to the decision on the second reading of the subject of the amendment concerning the oath presented by the gentleman from Chester; he thought several gentlemen would be disposed to accept something to the effect of that amendment, after the committee on the Bill of Rights should have reported, as they seemed to think it might better be incorporated in that article. If they were now to proceed to the second reading, without seeing whether any thing of the kind was embodied into the Bill of Rights, the amendment would be altogether excluded.

Mr. INGERSOLL asked, What is considered the second reading?

Mr. MEREDITH briefly explained what it is on the construction of the legislative practice.

Mr. MEREDITH expressed the opinion, that the construction put by the Chair upon the rules was correct, but that its effect was not foreseen, nor intended, by the Convention, when they were adopted.

Mr. EARLE said, the best way to proceed would be to alter the rule by a resolution introduced by consent for that purpose. He was in favour of the postponement recommended by the gentleman from Adams. Having revoked what charges should be made, the proper way would be to refer them to a committee to be classified. This, he thought, would be the best course of proceeding.

Mr. CUNNINGHAM said, the whole difficulty grows out of our having started wrong. The committee had reported articles instead of reporting amendments, which the Convention were instructed to do. Having been read once, these amendments must go through all the three readings. He was in favour of getting a Constitution together in some way, and then adjourning to some convenient time, in order to give the people an opportunity to examine the system proposed.

Mr. MERRILL said, suppose all the amendments to be disagreed to; what will be the effect of that? Will the several articles he brought before the people for approval, as the result of our work, on do they subsist as the Constitution of 1790? Do we enact a Constitution, taking date from this time? Was that supposed to be our duty? In his opinion, we had nothing to do, under the law, but to pass amendments and submit them to the people. The Constitution would then still remain the Constitution of 1790, except so far as regarded the amendments adopted by the people. There would be no other change. He wanted to know whether we had any right to re-enact any part of the Constitution. If we passed on the whole Constitution, affirming, or re-enacting the portions which we did not amend, we should, in his opinion, be going beyond the line of our duty. The 8th article, for instance, had passed the committee of the whole, without amendment. But we had no authority from the people to say that this article should remain. If we did not amend it, it remained unchanged, as a matter of course, and ought not to be submitted.

Mr. MEREDITH said, there could be no difficulty as to the construction which the Chair had given the rule.

Mr. INGERSOLL was satisfied, he said, from what he had heard, that the course of the gentleman from Adams, was the proper one at present. He should at a proper time, move to recommit the rules for amendment, in order that we might not be caught; he did not use the word offensively, in a very unexpected and embarrassed situation.

Mr. MEREDITH said, for our own convenience, we had adopted a mode of giving every member an opportunity to deliberate upon the question before him. We have for that purpose, provided for several distinct readings. In reply to the gentleman from Union, [Mr. Merrill,] he would remark, that when the amendment came to the third reading, it would, if adopted, be read a third time and passed. But those articles which were not thus amended, would remain unacted upon, and retain their vigor, in virtue of their original adoption in 1790.

The question being on the motion of Mr. M'Sherry, to postpone the further consideration of the 8th article, it was taken and decided in the affirmative.

Mr. INGERSOLL moved to recommit the subject of the rules to the committee on rules, in order that they might be amended in re- cording the several readings of the amendments. It was of no consequence what the rule was, he said, if it was only understood.

The rule having been dispensed with for the purpose, the motion was considered.

Mr. CLARKE of Indiana, said the committee on rules had discharged their office and was no longer in existence.

Mr. INGERSOLL accordingly modified the motion, so as to refer the subject to a special committee.

Mr. MEREDITH thought it would be of some advantage to refer the subject to a committee who would probably be able to report tomorrow.

Mr. COX said, if it was the desire of the Convention to commit the rules, he would suggest the propriety of referring them to the same gentlemen who constituted the committee from which they were reported.

Mr. READ moved to amend the resolution so as to provide that the rules be committed, with instructions to amend the 7th and 30th rules.

Mr. CLARKE remarked, that if the motion was referred to the same committee, it would be a reappointment of that committee.

The motion of Mr. Ingersoll was agreed to.

FOURTH ARTICLE. IMPEACHMENTS.

Mr. READ said he believed the Article on Impeachments was
The motion was agreed to.

The Convention then went into the committee of the whole on the report of the committee on the fourth Article.

(Mr. Denny in the Chair.)

The Report of the majority was read, as follows:

The majority of the committee to whom the 4th article of the Constitution was referred, respectfully report:

That they have had the subject under consideration, and have agreed to report the 1st and 3d sections of the said 4th article of the Constitution without any alteration, and the 2d section of said article, with one amendment, viz: To strike therefrom the words "two thirds," and insert in lieu thereof "a majority," so that the section may read as follows:

Section 3. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without a majority of the members present.

Mr. Clarke of Indiana, called for the reading of the report of the minority of the committee, and it was read as follows:

The minority of the committee to whom the 4th article of the Constitution was referred, respectfully report:

That they have had the subject under consideration, and report the said article without amendment.

JAMES CLARKE, JAMES C. BIDDLE, ANDREW BAYNE, SAMUEL CLEAVINGER.

Mr. Clarke of Indiana, called for the reading of the article as proposed to be amended, by sections.

The following section having been read, it was agreed to, nem. con.

Section 1. The House of Representatives shall have the sole power of impeaching.

The second section was read, as follows:

Section 2. All impeachments shall be tried by the Senate. When setting for that purpose, the Senators shall be upon oath or affirmation. No persons shall be convicted without a majority of the members present.

Mr. Clarke said, his own vote on this section would depend upon the decision which might be made upon some propositions to amend some other portions of the Constitution. If the term of judicial office should remain unchanged, he would render a Judge removable, by a mere majority of the Senate. But, if the Constitution should be so amended as to limit the term of service of judges and justices, he would then be in favor of retaining the clause providing that a vote of two thirds of the members of the Senate should be necessary for their conviction. Much had been said about the independence of the judiciary. No man on this floor had a higher opinion than he had of the judiciary, as a branch of the government; and no man would more zealously guard it with such provisions as would enable it to do justice, without fear, favor, or affection, than he would do; but life tenures were, in his opinion, unnecessary. If their offices were held for a short period, they could still be made as independent as might be requisite. If their term was limited, he would then retain the two-thirds principle, in order that they might not be lightly accused nor lightly condemned. In this manner, they would be left in the free and independent exercise of office. After judges were arraigned by the House, they sometimes escaped by compromise. He recollected cases in which judges were bargained off the bench. They agreed to resign immediately or at the expiration of a certain term, on the condition of the discontinuance of the prosecution. In one case which he recollected, a judge who had been arraigned agreed to put his resignation in the hands of a judge, to take effect six months after that time; whereupon, the House let him off. He did not wish the question to be decided at this time. He would move its postponement till the other articles, particularly that on the Judiciary, had been acted upon.

Mr. Biddle said, Mr. Chairman, although I agree in the result at which the gentleman from Indiana (Mr. Clark) has arrived, yet sir, as one of the same committee, my mind has been influenced by a very different course of reasoning. I believe that the present question is intimately connected with the independence of the Judiciary, and both hope and trust that that independence will not be diminished by an alteration of the majority requisite for conviction in cases of impeachment, nor by a change in the tenure by which the judges hold their offices. All are deeply interested in the equal and fearless administration of justice; none are so elevated in station, none so powerful as not to require the protection and the restraint of the law—none so depressed, none so poor, none so friendless as not to feel its defence and its control. In the pursuits of active life and in the shade of retirement, its influence is indispensable. Of all the branches of the Government the Judiciary is the weakest—it possesses no patronage and dispenses neither favors nor rewards. On the contrary, it is brought in collision with all the selfish interests and angry passions of suitors. In every case there are two parties, the one successful, the other defeated; the former feels and feels truly, that he has received no more than he had a right to ask, justice; but the latter too often indulges in rapacious hostility to the judge. Not unfrequently the angry passions of a popular party leader or of a powerful party itself is thus excited, and a power is brought to bear against the judge, which it requires all his firmness to resist. Everything having a tendency to subject him to extraneous influence; to substitute for the principle of right and wrong a subserviency to popularity, is a great public evil. All law is restraint, and without law there is no liberty save that licentiousness which permits every man to indulge his own passions, to gratify his own impulses, regardless of the feelings or of the rights of others. The administration of the law then consists in controlling mankind, and those whose duty it is to exercise the high functions of judges should not be left exposed to the attacks of those who may be stimulated by supposed wrongs to acts of retaliation or revenge. The judicial history of Pennsylvania is not without instructive lessons, and the lessons of experience...
Mr. BEDL of Chester approved of the motion of the gentleman from Centre. He had listened with interest to the debate—it was an important subject—a subject highly interesting in its character. He said that if there was no other reason, it should be postponed from the consideration that several gentlemen would regulate their vote in relation to the tenor of the Judiciary, as fixed by an article which had not yet been considered. But there was another reason. He understood, that there would be a report to the Convention in favor of creating an office of Lieutenant Governor, who is to be the presiding officer in the Senate. If this office should be established, it might be thought improper, that this officer should preside in the Senate in cases of the impeachment of the Governor, as his conviction would make him the Governor's "de facto." He thought that this article should be postponed until the several committees reported.

Mr. EARLE said that the Convention had met with a difficulty which he apprehended it would often meet with, until it had a full Constitution before it. He believed there should be a provision for removal from office, but not in this article. Every Prohibitory, Justice of the Peace, and other civil officers, could not be brought before the Senate.

Mr. SERGEANT, (President,) commenced by saying that he was opposed to the committee rising, for the purpose of first acting upon other articles of the Constitution. The objects embraced in this article were separate and distinct, and might as well be discussed as hereafter. It related to impeachment, trial, and punishment for misdemeanor in office, and it seemed to him, that the tenure of office and manner of appointment were unconnected with it. The gentleman who had preceded him, had spoken of it, as if it only related to judicial officers. The judges of the courts were not the only officers liable to impeachment. All officers of the civil department, from the governor to the justices of the peace, were liable. And what is the object of impeachment? It is not to get rid of an officer—although this might be the consequence—it is not to convict a criminal, for an officer guilty of crimes may be tried and punished by the laws, notwithstanding his trial on impeachment. It is a solemn exhibition of public justice, authorized by the Constitution to preserve the rights of the people from an abuse of the public trusts. Extortion, dishonesty, and the like, were punishable by the civil law, and an officer could be convicted of these, notwithstanding his punishment for misdemeanor in office.

Its object is to exhibit justice in her most imposing character, and it is therefore placed in the Constitution, to hold up a signal of the steadfastness of her purpose, to those who might dare offend her. This being its object, and not merely removal from office or punishment for crime, will you dispense with the usual requisite of two-thirds, when the reputation, honor and character of those who hold public trusts, are in peril? It was not only the loss of office, that would be left to the mercy of a bare majority, if the report of the committees should be adopted, but the highest penalties were liable to be incurred. "Disqualification to hold any office of trust under this Commonwealth," was a punishment, which all men, who regard the honour of their own character or those who are to come after them, look upon as the severest that could be inflicted.
CONVENTION PROCEEDINGS.

Continued from Friday.

How, then, said Mr. Sergeant, will you create a tribunal to try these great offenders, when a conviction will not only hurl them from office, and place a stigma upon them forever, and that too without exempting them from other penalties? Some gentleman had made use of the argument, that, if we changed the tenure of office, and made of appointment, we ought to have a worse appointed tribunal. He could not see the force of the reasoning.

In constituting this tribunal two thirds of the Senate had heretofore been considered necessary to stamp a man with infamy forever. It was now proposed to give it to a mere majority. In trials for offices under the civil law, however trifling, it was deemed an invaluable privilege that no man could be convicted without the decision of a jury. A jury must be unanimous in order to convict; eleven out of twelve could not decide upon guilt or innocence. Besides this, neither the judge nor jury could be the prosecutors—the accused has a right to an impartial trial. But in the trial for impeachment by the Legislature, the commonwealth of Pennsylvania was not only the prosecutor, but both judge and jury. Was it then wise when an offender against the civil law, whose offence was punished by perhaps only a small fine, had the benefit of a trial by jury, to impose the heaviest penalties upon the most important officers, by a vote of a mere majority of thirty-three men? He thought that if the Convention was assembled to make a new Constitution, it ought to be so formed as to require two thirds of the Senate to convict for misdemeanor in office. The trial of impeachments was one of the greatest exertions of power. It was a grand system of defence of public justice. Who was the accuser? The people of Pennsylvania. Who the grand inquest? The same: and here those who held the public trusts, were to be tried for the manner in which they execute these trusts. The Legislature was the accuser, the inquest and the judge. There were no intermediate steps, where there might be a chance where justice might be done; no chance of challenge; no door of escape from bias or interest, which was open to the meanest criminal. There was too, another consideration, which should not be overlooked; the feebleness of the accused and the strength of the accuser—a single individual against a whole commonwealth; the Legislature was also a political body, but nevertheless under the Constitution, the tribunal constituted for this purpose. There was generally a community of feeling in both houses, all of which strongly operated against the accused. These were some of the reasons which operated on his mind against the proposed alteration of the article of the Constitution. It agreed with the Constitution of the United States in this particular, and should not be altered without good reasons. He then appealed to the members of the Convention, some of whom held official stations, and all of whom were worthy of them, if they deemed the power of a bare majority of the Senate to convict and stamp with infamy a public officer, a sufficient security. Those who held office were exposed to envy, and denominated a kind of aristocracy, and therefore subject to become the victims of prejudice. Should, therefore, their characters, their all, be involved in peril and placed at the mercy of a bare majority of thirty-three men under such circumstances? He appealed to the gentleman from Indiana, who had great experience in public employment, great knowledge of the world, if he thought that high officers ought to be subjected to destruction, and all that life held dear, by a trial before a tribunal so constituted.

Mr. CLEAVENGER said, being one of the minority of the Committee who made report on the fourth article of the Constitution, that has given rise to the present discussion, I feel it my duty to state briefly, the considerations which have operated on my mind, in favor of the article and section as it now stands. Some ideas that I intended to present, have been so ably and fully brought before the Convention, by the honorable gentleman who presides over this body, that I should only weaken the matter by my presenting them again. I shall therefore, confine myself to certain arguments, urged in favor of the proposed amendment. In my view, they have been too much circumscribed and limited, by confining the operations of impeachments to Judicial officers only, when the Constitution extends it to the “Governor and all other civil officers under this Commonwealth.” In my opinion, this high court of judicature was created for the trial of all who offend the majesty of the law, whether they be appointed or elected. But let us examine the arguments of the gentlemen, as they apply to judicial officers; they say, if the present Constitution is to continue as it now stands, they will vote for making a mere majority of the Senate, sufficient to convict—but should the term of office be limited to a certain number of years, then they will be for retaining the two-thirds, as at present.

What, sir! shall the term of office be the criterion by which we determine the guilt or innocence of the party accused? Shall the Senate, the august Assembly of this Commonwealth, when deliberating under the solemn obligation of an oath, first ascertain the facts, whether the person under trial be a life officer or not, before they can pass upon his guilt or innocence? I put it to you, sir; and I put it to gentlemen of this committee, whether the principles of justice and the faithful administration of the laws ought not to be conducted so
other and higher principles. Sir, is not an impeachment in some measure, in the nature of a criminal proceeding in our courts of law? If so, what is the humane principle cherished by our free institutions? and I would ask this committee, what is the nature and spirit of that system, hallowed by antiquity—if I may use the expression? to which all freemen cling with such unyielding tenacity. I mean the trial by jury! Why sir, if the lowest individual in the community be assigned there,—and after a fair and patient investigation, a doubt remains on the mind of a single individual of the panel, it must operate in favor of the accused, and produce an acquittal.

Would this committee then wish to put our most elevated officers in such a situation, where a mere majority, yes, the casting vote of a single individual, might consign the accused to infamy and ruin? yes, ruin; for although their authority does not extend to the infliction of a fine or corporal punishment, yet, to the ingenuous mind, it is far worse; for it deprives him of the right of a citizen and induces the fluster of scorn to be pointed at him through life.

I feel the full force of the argument presented to the committee by the gentleman from the city, in his usual pointed manner, and I fully concur with him in the vital importance of an independent Judiciary, and as a co-ordinate branch of the government, none ought to stand higher in the affections of the people. Yet when he and I shall come to determine what will be the grand incentive to that independence, probably we may differ in opinion. Sufficient for me is it to say, that matter is not now fairly before the committee, but the establishment of such a tribunal as may protect the officer in the faithful discharge of his duty, and arrest and punish him when disregarding it, however high he may be in authority.

Mr. EARLE concurred in opinion with the two gentlemen who had spoken last, inasmuch as conviction or impeachment involved infamy of character. If it were proper to require the unanimous verdict of twelve men in a criminal court, then it should require something more than a bare majority to convict in the Senate. In times of high party excitement, a majority might be found to convict a political opponent without sufficient grounds. We have seen an instance in which a majority of the United States Senate would probably have convicted and removed the President, for acting in strict conformity to his views of the Constitution and the public weal.

It was because impeachment and conviction involved moral turpitude and infamy, that it was an improper, and wholly inadequate means of removing an inefficient public officer! The President had described the machinery moving against a public officer, an impeachment, as exceedingly great in power. A powerful steam engine might run against the Allegheny mountains with but little effect; so it was with impeachment. The Senate looked upon a Judge as "a saint in crime," and impeachment availed nothing. Was that machinery so powerful as the gentleman had represented? It might be so, if the House of Representatives moved with one mind, anxious to convict. But a majority of that House might sympathize with the accused and desire his acquittal. The real prosecutors might be, not the House of Representatives, but poor and humble individuals.

It had been so in this State, and the prosecutors had failed. He had seen a poor man convicted of larceny, by a track in the snow. A judge may be assailed upon strong evidence, yet without effect. He might be a third-rate man in point of talent, and a fourth-rate man in point of conscience. He might be ill-natured, indolent, and partial, and yet you might in vain attempt his removal under the present regulations. Mental mediocrity was not a crime; ill temper might arise from ill health; and unjust judgment might be an error of opinion; and partiality might be mere natural feeling without corrupt motives. Then there was a nice point to be settled, as to which mode, which ended in no mode at all. The Constitution declared, that removal might be by address for causes not sufficient for impeachment. In most cases a grand dispute, equal to that of breaking the egg at the big or the little end, arose about whether the matter was proper for impeachment or for address. Those who held to the one mode, would not sustain the other: they could not under their oaths to support the Constitution. Hence, while nearly all were agreed that a removal was necessary, the constitutional number could not agree on the constitutional means, and the offender remained in office.

He was for adopting some effective provisions in the Constitution, something which would render all officers removable at stated periods by the people, or their agents; without the necessity of convicting of crime, where the fault was incompetence, or the intention of the heart could not be shown. He should speak of the tenure of office at the proper time, remarking at present, that he could not concede to a judge the independent privilege of committing injustice.

Mr. BIDDLE asked attention for only a short time in reply. He said that the people had been spoken of more than once, as if some gentleman supposed that there was some one class of the community distinct from the rest, which constituted the people—he knew of none such—he deprecated all attempts to create invidious distinctions—rich and poor—powerful and weak—male and female—all kinds and classes in his eyes constituted the people, and he would yield to no gentleman in sincerity and zeal in his devotion to their true happiness and best interests. A gentleman had said that the interests of the judges, and not the good of the people, was considered. The people, far more than even the judges themselves, were interested in their independence. The times would indeed be lamentable, when, in determining a case or charging a jury, a judge should consult not what right and justice required, but what would be most popular, what would least expose him to the hazard of an impeachment. He would conclude in the words of the just man and enlightened judge, Chief Justice Marshall, who in the Virginia Convention, said, "I have always thought, from my earliest youth till now, that the greatest scourge an angry Heaven ever inflicted on an ungrateful and a sinning people, is an ignorant, a corrupt, or a dependent judiciary."

The question being taken, the committee rose, reported progress, and obtained leave to sit again to-morrow.

Adjourned.
FRIDAY, May 19, 1837.

The CHAIR presented the following:

A communication from the Secretary of the Commonwealth, and the Auditor General.

Secretary’s Office, Harrisburg, May 18, 1837.

SIR, In compliance with a resolution of the Convention over which you preside, we have the honour to transmit the enclosed tabular statement, showing the names, official stations, time of appointment, annual salary, and amount of per diem pay and mileage received within the last year, of each Judge in the Commonwealth. The information relative to the justices of the peace, aldermen, and other judicial officers, requested by the same resolution, will be submitted as soon as the steps which have been taken to obtain it, shall enable us to do so.

We are sir, with great respect, your obedient servants,

THOMAS H. BURROWS,
NATHANIEL P. HOBART.

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

Mr. INGERSOLL offered the following resolution, which, he said, he did not propose to call up at present.

Resolved, That this Convention will adjourn on Saturday the 24th of June next, to meet again at this place, on Monday the 16th of October ensuing; and that a special committee be appointed to publish in newspapers in every city and county throughout the state, all such amendments of the Constitution, as shall be agreed upon by this Convention at the time of its said adjournment.

Mr. MARTIN offered the following resolution, which was read, laid on the table, and ordered to be printed.

Resolved, That the committee to whom was referred the third article of the Constitution be instructed to enquire into the expediency of so altering the first section of said article that all white male citizens who have arrived at the age of twenty-one years and upwards, and being liable to pay tax, shall enjoy the right of an elector.

Mr. SMYTH of Centre, offered the following resolution, which was read, laid on the table and ordered to be printed.

Resolved, That the committee on the sixth article of the Constitution be instructed to enquire into the expediency of reporting a section, so that the Legislature shall provide by law, for organizing and disciplining the militia in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

Mr. RITTER offered the following resolution, which was read, laid on the table, and referred to the appropriate committee.

Resolved, That the committee on corporations and currency be instructed to report on the expediency of providing that no bank charter whatsoever shall be renewed by the Legislature, but that when necessary, new banks shall be created; and whether the public welfare would not be promoted by such provision.

Accounts.

Mr. COPE, of Philadelphia, from the committee on accounts, made the following report, which was read:

The committee of accounts report, That they have had the subject of the expenditures of the Convention under their consideration, and find that owing to the demands shortly to be rendered against the contingent fund, it will be necessary to place at the disposal of Samuel Stock and Samuel A. Gilmore, Secretaries of the Convention, the sum of fifteen hundred dollars, in addition to the sum of five hundred dollars which they have already drawn by virtue of the President’s order. They, therefore, offer the following resolution, to wit:—

Resolved, That the President draw his warrant on the State Treasurer for the sum of fifteen hundred dollars, in favour of Samuel Stock, Secretary of the Convention, to be accounted for in the settlement of their accounts.

On motion of Mr. COPE, the resolution was read a second time and considered.

Mr. PORTER of Northampton, moved to include the name of Mr. Gilmore, and to strike out the word Secretary, where it occurs, and insert Secretaries.

Mr. HAYHURST stated the reasons which governed him, as one of the committee, in reporting the resolution in that form. He had had some experience in settling accounts, and had always found great difficulty in settling an account with two co-administrators, or with any two officers; neither of whom was accountable to the other, but both to the same accounting officers. Practice had shown that it was necessary to manage this business with some system, and, if the usual system was abandoned, the committee of accounts would have great difficulty in performing their duties. One agent in the matter was better than two. If there were two, who would have the disbursements of the money? A bill would be sent in and paid by one, and then another bill by the other; and the question would always arise in the committee, whether the two bills were not identical.

Mr. PORTER of Northampton, supposed the proper way would be for the Secretaries to draw their joint checks for the money, which would be deposited in Bank to their credit. As rank and precedence were of so much importance in these republican days, he had no idea of putting one Secretary above another. He therefore insisted on his motion.

The amendment was agreed to.

PUBLIC HIGHWAYS AND EMINENT DOMAIN.

Mr. INGERSOLL, from the committee on highways and eminent domain, made the following report in part, which was read and ordered to be printed:

ARTICLE X:

Section 1. No loan shall be enacted, granting to any individual or any number of individuals, whether incorporated or otherwise, exclusive right in the navigation, waterpower, or water for any other purpose, in any one or more of the rivers of this State.

All alluvions shall accrue to the riparian owners; but all newly formed islands shall belong to the State.

Section 2. No law shall be enacted by which any individual or any number of individuals, whether incorporated or otherwise, shall be permitted by any bridge, dam, or otherwise to obstruct the navigation.
ally river, whether the same be by law declared a public highway or not.

Section 3. Private property shall not be taken for public use without an equivalent therefor in money, ascertained by general law, and paid, before any private property shall be entered upon, in order to be applied to public use.

Mr. BAVDGE stated that he was not present at the sitting of the committee, when this report was agreed to.

Mr. INGERSOLL said that due notice was given to every gentleman of the meeting of the committee.

HOURS OF MEETING.

Mr. EARLE, of the county, asked leave to offer a resolution in relation to the hours of meeting; which was read, laid on the table, and ordered to be printed.

Resolved, That this Convention, commencing on Monday next, will daily hold morning and evening sessions, until the amendments to the Constitution be proposed to the people; and that the said amendments be submitted for ratification to a vote of the people, to be taken on the first Tuesday of September next.

Mr. SMYTH, of Centre, moved a postponement of the order of the day, for the present. A majority of the Convention, he said, were not ready to vote on the subject; but withdrew the motion for the present, at the request of Mr. Clarke, of Indiana.

FOURTH ARTICLE.

The Convention then resumed the consideration of the report of the committee on the fourth article of the Constitution, in committee of the whole, Mr. Denny in the Chair.

The question being on the following section:

Section 2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without a majority of the members present.

Mr. CHAMBERS, of Franklin, said the more he considered the subject, the more he was convinced that we ought to retain this clause of the Constitution he was so ardently opposed.

He was prepared to retain it, without regard to term of office. He could not agree that public officers should be exposed, without protection, to the most ignominious punishment; when, as was well and truly remarked yesterday by the President, even criminals had a right to a trial by jury and to be confronted with their accusers. Again, in respect to the tribunal which tries him, the criminal has a right of selection. He has the right of peremptory challenge and of challenge for cause. The jury then must unanimously concur in a verdict against him; and, further, the crime must be well defined on the statute book. But judges were tried for misdemeanors. What were misdemeanors? Some were by party construction. What was a crime to-day, was not to-morrow; for the conduct of an officer was estimated according to the opinions of the day. Some questions of official turpitude there might be which could admit of no dispute; but on many other questions, public opinion varied as to which were misdemeanors in office. In the country from which we borrowed our laws, officers had been impeached and convicted for giving an opinion to their sovereign,—for recommending a prejudicial peace, or even prescribing medicine to the king. Gentlemen must have witnessed times when party spirit ran so high that an officer was liable to punishment for doing what would be no moral offence. The retention of the provision is essential to official protection. If two-thirds could not unite in the conviction of an accused, he ought to be acquitted. It was better that ninety-nine guilty should escape than that one innocent person should suffer. Public opinion, throughout the United States, was in favor of retaining this provision. It was the prevailing provision in most of the state Constitutions. To expose officers to a conviction by less than two-thirds would be a strong objection with independent men to the acceptance of office. If they could be swept away by a mere majority of men belonging to a body participating with popular feeling, and prejudice, they would not think themselves safe to the Constitution to be proposed to the people shall be finished; therefor in money, or paid according to the opinions of the day. Some questions of official turpitude there might be which could admit of no dispute; but on many other questions, public opinion varied as to which were misdemeanors in office. In the country from which we borrowed our laws, officers had been impeached and convicted for giving an opinion to their sovereign,—for recommending a prejudicial peace, or even prescribing medicine to the king. Gentlemen must have witnessed times when party spirit ran so high that an officer was liable to punishment for doing what would be no moral offence. The retention of the provision is essential to official protection. If two-thirds could not unite in the conviction of an accused, he ought to be acquitted. It was better that ninety-nine guilty should escape than that one innocent person should suffer. Public opinion, throughout the United States, was in favor of retaining this provision. It was the prevailing provision in most of the state Constitutions. To expose officers to a conviction by less than two-thirds would be a strong objection with independent men to the acceptance of office. If they could be swept away by a mere majority of men belonging to a body participating with popular feeling, and prejudice, they would not think themselves safe to the Constitution to be proposed to the people shall be finished; therefor in money, or paid according to the opinions of the day. Some questions of official turpitude there might be which could admit of no dispute; but on many other questions, public opinion varied as to which were misdemeanors in office. In the country from which we borrowed our laws, officers had been impeached and convicted for giving an opinion to their sovereign,—for recommending a prejudicial peace, or even prescribing medicine to the king. Gentlemen must have witnessed times when party spirit ran so high that an officer was liable to punishment for doing what would be no moral offence. The retention of the provision is essential to official protection. If two-thirds could not unite in the conviction of an accused, he ought to be acquitted. It was better that ninety-nine guilty should escape than that one innocent person should suffer. Public opinion, throughout the United States, was in favor of retaining this provision. It was the prevailing provision in most of the state Constitutions. To expose officers to a conviction by less than two-thirds would be a strong objection with independent men to the acceptance of office. If they could be swept away by a mere majority of men belonging to a body participating with popular feeling, and prejudice, they would not think themselves safe to
cooling in cases of impeachment, as has been clearly and eloquently shown by the distinguished gentleman from the city, (Mr. Sergeant,) is closely allied to that of trial by jury. They are kindred proceed-
ing, equally to be regarded as sacred and inviolable. The reason which should induce us to dispense with the one, should operate with equal force in relation to the other—and were we now forming a new Constitution, instead of amending an old one, the concurrence of the whole Senate in the conviction of the accused, would strike me as a much more reasonable provision, than that of a bare majority. This argument would acquire additional force, should any reduction be made in the Senatorial term. Instead of four years, suppose the Senate were elected for but two, one half to go out each year; this, sir, would bring the party accused before a body, one half of which had been newly chosen, and perhaps participated in and owed their election to the excitement which originates the very accusation. That I may be clearly understood, I beg leave to illustrate my position. Suppose an officer of government, (for all are embraced within the impeachment provision,) should be charged with a high offence; a judge, in fact, charged with the offence of bribery, and that the public mind on the subject had become to a very great extent highly inflamed; the party accused must appear before a tribunal—a majority of whom have been elected at the same time, the same place, and in the same manner, prescribed for the election of those who originate the impeachment. This, sir, would be converting what is intended to be a judicial tribunal, into one purely political. Gentlemen have spoken of this question in reference alone to its effects upon the Judiciary, as if no other officers of government could become the subjects of impeachment. The very article provides for the impeachment of the Governor, and annexes as the penalty removal from office—and certain disqualifications in future. In times of high political excitement, even two-thirds might be found in both houses, willing to avail themselves of the slightest pretext for ousting a political opponent from the Executive chair, and yet we are called upon by gentlemen to permit this great principle of protection to be shielded down to a bare majority; to invest that majority with the power not only of removing from office, but of disqualifying the convict forever afterwards, from holding any office of honor, trust or profit, under this Commonwealth. I say convict, because the article declares him such; and yet gentlemen would say, that one half instead of two-thirds of the jury who try him, (I mean the Senate, which is the same thing,) shall fix upon him that odious character, alike destructive of his reputation, peace of mind and future standing in society. Sir, if there is a principle for which I have been taught an early reverence—if there is any one principle in the government, to which my affections can be said to cling with an ardent fondness, it is the right of trial by jury. Amidst any and every conflict, which may arise in our government, I should desire to stand by and watch over the sacred right. Sir, if at any time, through blind delusion and political heat, a dissolution of the elements of our social compact should ensue, and this most cherished principle shall be torn from us, then and not till then, will I be willing to abate my confidence in the stability of government, and bid farewell to the liberties of the country. I hope, therefore, the report of the majority of the committee may not be sustained, as it would innovate upon the principle of trial by jury, and introduce to the notice of the people, a new amendment which they neither originally contemplated nor now require.

Mr. AGNEW said, it was not with a hope of adding much that is new, to the arguments which had been already advanced and eloquently urged, by the distinguished gentleman who had preceded him, that he claimed the attention of the House for a few moments. He considered it not only a privilege, but his duty to raise his voice, and exert his feeble efforts, against the change proposed by the report of the committee. What is the object of the fourth article of the Constitution? It is to establish a grand tribunal, standing upon constitutional provision, and not subject to legislative alteration or control for the trial of all official misconduct in the civil departments of government. What is the nature, what are the elements of the Senate, that body which is the constituted tribunal for this purpose? It is, sir, said he, a political body composed of men—yes, sir, men, with all the passions, prejudices, and weaknesses of men, coming one-fourth every year into office with the feelings and views of partizans, laboring under the heat of party excitement, and often pledged to the support of certain measures. This, sir, is the tribunal to whom is committed the decision of the honor or infamy of every officer in the Commonwealth—from the supreme executive, the supreme judicial officer, down to the lowest individual holding a civil station. His sentence involves the highest punishment that can be inflicted upon an honorable or a feeling mind, removal and a total disqualification to hold any office of honor, trust, or profit. What guards are imposed upon this mode of trial which can secure impartiality and justice? Whatever feelings of enmity or envy may have entered the heart of a Senator—however he may have prejudged the question, or have even been elected with regard to the very occasion which has made him a judge and juror, the accused has no challenge, no right to object. In ordinary administration of justice, no matter how trivial the offence, a jury must sit apart from all communication, suffered neither to speak with others, nor to separate from each other—every precaution used to secure an upright decision, uncontrolled by external bias. On the other hand, the Senate, this high tribunal, meets, adjourns, meets again, mixes with the crowd, hears its opinions, marks its probable decision, and perhaps finally falls in with public opinion, regardless of ought but the cravings of party appetite.

This, sir, said he, is the body to the arbitration of a majority of whom is sought to be given the weal or woe of every officer of the government. It becomes a question of principle, not one of convenience. What has the tenure of office, whether judicial or otherwise, to do with its decision? The bill of rights, that solemn and sacred declaration of the rights of citizens; rights which should ever remain inviolable, has proclaimed the sacred character of the trial by jury, esteemed it the best safeguard of liberty, and the strongest shield against oppression. The humblest citizen in your land, when reproached by the tongue of slander, and the charge is attempted to be justified against him, finds his reputation (clearer to him perhaps than life,) guarded, protected, and preserved by the verdict of his peers; only their continuance voice can fix upon him the stamp of infamy.
yet this report calls upon us to submit our reputations, our most cherished interests, to the decision of a mere majority of a body, chosen without regard to impartiality, restrained by no salutary checks, animated by party fire, and prompted by ulterior views. The bill of rights has declared that, no post factum law shall be made. But what law has ever defined, ever will define official misconduct? What law fixes its punishment when thus defined? The Senate, he said, sits not only to decide the facts, but to determine the character of those facts; to give them innocent or criminal color, and, when so determined, to fix the punishment from the slightest censure to total disqualification to hold office of honor, trust, or profit. This, all this sir, is proposed to be committed to a mere majority of a body from whom there is no appeal, whose sentence is beyond control. The people had not called for such alterations, and to connect them with necessary amendments, might only lead to the rejection of the whole.

Mr. EARLE said, believing this debate to be of no use until the term of office was fixed, he should move that the committee rise, report progress, and ask leave to sit again; and, he should next move to take up the report on the subject of future amendments.

Mr. DICKEY said, it would be time enough to take up the subject of future amendments when we had determined to make any amendments. At present, we had not made an alteration. He was opposed to the motion that the committee rise, and more especially for the purpose suggested by the gentleman from Philadelphia county.

Mr. BELL said, this committee must be now ready to determine the question before it. It was beyond doubt that a large majority of the committee were opposed to the amendment under consideration, and were ready to vote against it now.

Mr. BROWN said, what was the minority now would be greatly increased, if the term of office should not be changed. If the power of appointment should be given back to the people and the term limited, he would be willing to permit the "two-thirds" to remain. It was from a conviction that some change would be made in those particulars, that this apparent acquiescence in relation to this clause prevailed. As to senators, he had lost most of his confidence in them. He would not risk his character before the Senate of this State, as at present organized.

Mr. MERRILL said, he saw no distinction between the cases alluded to by the gentleman from the county. Whether the term of office was long or short should make no difference as to the mode of degree of punishment. Was it to be held out as an inducement to officers to prefer short terms, that they should have a better chance of escaping the penalty of their misbehaviour? He wholly disclaimed that idea. All violations of duty ought to be punished, without regard to the term for which the officer may be appointed.

The gentleman could show no reason, in the nature of things, for a distinction between the trial on the verdict of the impeachment in the two cases. The minority afforded to the officer ought to be equally great in both. As an objection to the amendment he urged that the Senate was not chosen by the respondent. He may undoubtedly challenge a senator, for cause, and prevent him from sitting on the trial. But every senator, in this way taken from the body, would lessen the security to which the respondent is entitled by the Constitution. If the number of senators remaining was but seventeen, they formed a quorum, and could proceed with the trial; so, a person could, on the majority system, be convicted by a vote of nine senators. No officer ought, in this way, to be exposed to a conviction, the consequences of which would be a deep disgrace to him and his family, and an affliction to his friends. It was said that there were many who preferred life to honor. There might be such men, but he hoped that none such would ever hold an office in Pennsylvania.

The Senate was intended to try men who might overlook other tribunals, but they were not less entitled to a fair trial. This high court would, he hoped, not undergo any alteration.

Mr. BONHAM said, he was for getting to work upon something. He thought the amendment proposed unnecessary; and, as had been said here, he thought it best to let well enough alone. We know that gentlemen occupying seats in high places had many enemies; and they might be impeached in times of high party excitement, and condemned, however innocent they might be, by a bare majority. He did not see that the term of office ought to make any distinction in this case, as to the mode of trial. He had been of opinion that very few amendments were necessary; and the fewer that were made, the better chance would they have to be adopted.

Mr. FORWARD said, that the process of impeachment had been spoken of as the ordinary, if not the only method of removing a judge from office. But this was a mistake. The most usual and the readiest mode of reaching an unworthy judge was by "address of two-thirds of each branch of the Legislature" to the Governor. Such address may be made for "any sufficient cause, which shall not be a ground for impeachment," and a judge may therefore be removed in this way for incompetency, negligence, or any other reason which may make his continuance in office incompatible with the public interest. And this was the mode which in most cases had been resorted to for displacing judges. That it had not always been without effect was shewn by the fact that removals of judges had been effectuated by address. And it was proper to remark, that the instances mentioned by his friend from Indiana, (Mr. Clark,) of judges bargained out of office, did not, he believed, occur in cases where they were threatened with impeachment or were actually impeached, but when complaints were depending before the Legislature preparatory to an address. The fact that the judges despaired of escape, and agreed to resign their offices, proves that this mode of soothing the beth of incumbents, who ought not to be there, is neither useless nor inefficient. It may be that the difficulties in the way of removing judges by address, are such as in some degree to discourage complaints against them. But if this be the case, those difficulties may be lessened. You may if you please render the judges more accessible to the legislature, but when the charge of official guilt is brought before the Senate in the shape of an impeachment, the security to the accused is no greater.
Mr. SCOTT did not propose to enter into the general discussion of the subject; which had already been very full, and able. He desired only to call the attention of the committee to some few points which had not yet been adverted to. The character of the punishment which might follow a successful impeachment, had been already eloquently described. Disqualification to hold office among a free people is indeed a penalty of intolerable severity. It is a stamp of shame—an evidence of unworthiness to participate in the esteem of the nation. This punishment, unlike every other known to our law, cannot be remitted. There is no room for repentance—no hope of restoration. By the provisions of the existing constitution the Executive can pardon, and remit the judgment in every other case, except that of impeachment. But the judgment in the case of impeachment is beyond the reach even of mercy—the Executive cannot pardon it—the Legislature have never been asked, and probably could not remit a judicial sentence—the brand of shame is permanent and ineffaceable. It is a cup too bitter to be presented at the will of a mere majority.

Again, it is worthy of enquiry during how long a period of time the citizen who has had the misfortune (for misfortune it would be if the amendment should prevail) to be one of the civil officers of this Commonwealth, would be liable to this severe ordeal of impeachment. Would his resignation of office, or the expiration of his term secure him from this trial? He thought not. There could be no doubt that an officer, after he had ceased to fill the station, might be indicted for a misdemeanor alleged to have been committed while in office. And the language of the Constitution authorized the same construction in relation to impeachment. It is true there could be no judgment of removal, but the heavier penalty, future disqualification, would still remain to be inflicted. The practice in England was in accordance with this doctrine; and although the question had not as was believed been agitated in Pennsylvania, it had been raised under the Constitution of the United States; and the same view of it taken by Mr. Randolph, in some of the discussions connected with the case of Judge Chase. It might therefore happen that a chief magistrate, or a head of a department who had passed through their respective terms of office, as they supposed without reproach, might at a subsequent period; and when politics had undergone a change, be summoned to the bar of this high tribunal, and when stripped of power, of patronage and of friends, be subjected to the condemnation of a bare majority. The people of this commonwealth had shown their jealousy of legislative trial and punishment, when they declared in the existing Constitution that the Legislature should not have the power to pass any bill of attainder. Now, in the case of attainder, punishment does not extend to corruption of blood; nor to forfeiture of estate beyond the life of the offender. And a bill of attainder, if the power to pass it did exist, would require a majority of
both houses, and the assent of the Executive. The amendment under consideration gives a power as fearful in its possible results, to a majority of one branch only.

It must not be forgotten that the bill of impeachment may be set in motion by any individual, however humble or powerful, with or without parity of motive, almost without responsibility or expense. It requires but a memorial, sent by mail to a representative. From the instant of the presentment of that memorial, the House of Representatives becomes the prosecutor. The expense is borne by the commonwealth. The prosecution is conducted by a talents committee of the popular branch, in the presence of the whole body. The love of victory adds strength to zeal—and the solitary individual pressed upon by one branch—tried before another, holds (under the amendment) his fair fame—his rights as a citizen—his hopes as a man, at the will of a bare majority. Sir, this should not be so.

Mr. DORAN said, in common with the members of the Convention, I have been instructed and delighted by the remarks made by gentlemen during this debate, and were the subject under consideration perfect in its nature and distinct, I should be prepared to give my vote at once. But what are we called upon now to decide? Why, to see how many votes in the Senate shall be required to convict the accused, without having first determined who the accused shall be, who shall be his accuser, and what shall be the tribunal to try him. Is this the regular mode of proceeding? Ought we not rather to find out the criminal before we convict him? It is true, the Governor and all other civil officers under this commonwealth shall be liable to impeachment, but, sir, we do not say who those civil officers are. Are they to be understood as judges alone, or are they other officers than those of a judicial character? Is the Lieutenant Governor, an officer intended by some gentlemen, and very properly, to be created under the new Constitution, to be liable to impeachment? These questions cannot be answered for the plain reason that they relate to subjects not yet acted on by the Convention. If the persons liable to impeachment are not ascertained, it does not appear to me that we can properly say how, by whom, in what way, or for what they may be impeached; the punishment, and the mode of trial and punishment, being, in my opinion, dependent on the offenders. But we have not only not yet decided who the accused shall be, but the accusers, the tribunal for trial, as well as the offence, are still undetermined. The House of Representatives, it is said, shall be the accuser; they shall prefer the impeachment, but who shall constitute the House, and what shall be the qualifications of its members, are matters to be fixed on hereafter. Besides, the Senate to try the impeachment is no less uncertain, and we well know that in regard to the Senate there is every prospect of a material change in its organization being made by the Convention. The people have demanded a change, and who here shall dare disobey the voice of the people? Suppose we were hereafter to say that the Senators should be elected every two years, and that their presiding officer should be the Lieutenant Governor; how would the two-thirds or the majority system then apply? and is the Lieutenant Governor to have a vote in impeachment? These questions I am not now prepared to answer.

Now, Mr. Chairman, what shall be considered a misdemeanor in office for which an impeachment will lie, is equally doubtful. The words “misdemeanor in office” are general and equivocal, and may be defined hereafter by the Convention to mean certain offences not in the least applicable to the judges of courts, and perhaps gentlemen, when they find that the judges are not to be liable to impeachment, will be quite willing to have a conviction without the concurrence of at least two-thirds of the members of the Senate present. All these considerations weigh heavily on my mind, and induce me to vote for a postponement of immediate action on this article of the Constitution until we shall decide upon others necessarily preliminary, without which our labor will be premature and vain.

Mr. EARLE said, that gentlemen really must have hearts of adamant, if they would not be convinced after twelve speeches, all on one side of a question. He congratulated the gentlemen, who were, like him, in favour of an afternoon session, that they had found a way to obtain what they wished. All that was necessary was to go into committee of the whole, and we should be kept in it, day in and day out, by any two members who wished it. One could sleep while the other was speaking, and one could speak while the other was sleeping. There was no rule to prevent a member in the committees of the whole, from speaking as often as he pleased. As we had a prospect of remaining here for some time, he would, by the way of enlightening the scene a little, offer an amendment to the report of the committee.

The amendment was read, but as the Chair stated that it was not strictly in order, but would be when the motion under consideration was disposed of, Mr. Earle withdrew it for the present.

Mr. PORTER, of Northampton, said he had been extremely anxious to preserve system and order in our proceedings, and this could only be done by confining the amendments submitted to the appropriate articles. That he feared the amendment proposed was not appropriate to the article now under consideration, but belonged properly to that part of the Constitution which treated of officers and tenure of office, and if so offered, he was prepared to support any salutary provision for the removal of other officers, beside judges, for offences not of an impeachable character, for which there seems to be no adequate provision in the existing Constitution.

A well constituted court of impeachment is much to be desired, yet difficult to be attained in an elective government. Its jurisdiction of offences arising from the abuse or violation of public trusts, and the prosecution of them has a tendency to excite and agitate the community in which the circumstances have arisen, and divide it into parties more or less friendly or inimical to the accused. And it is always desirable to guard the tribunal which decide upon a man’s rights, as far as practicable, from popular agitations. It is an essential safeguard to the liberty of the citizens, and as necessary in a court of impeachment as in a trial by jury. The Constitutions of all the States have given the popular branch the right of preferring the accusation, as the branch that is farther removed from the effect of popular opinion, the right to try the impeachment, and requiring two-thirds that body to convict.
CONVENTION PROCEEDINGS.

ERRATA.

In our last, we made Mr. M'Sherry say in his remarks, not kill time—it should have read—save time.

(Continued from Friday.)

He, (Mr. Porter,) did not agree with the gentleman from the county, (Mr. Doran,) in the idea that there was no analogy between the House of Representatives, and an ordinary grand inquest in a court of criminal jurisdiction. With the exception that the proceedings were not secret, and that the accused was usually permitted to be present, and perhaps cross-examine the witnesses for the prosecution, the proceedings were entirely similar in their character. The accused is not permitted to bring any testimony in his behalf before the House of Representatives. The system of authorising one branch to accuse, and the other to try, avoided the evil and danger of making the same party or body accuser and judge: it guards against persecution and the prevalence of a factional spirit in either branch: and again, the concurrence of two-thirds of the more permanent branch, being requisite to a conviction, will generally be a sufficient safeguard to innocence. In trials by jury for even minor offences, unanimity is required; he trusted this would never be dispensed with; and if the senatorial term should be reduced to two years, it might be well worthy of consideration, whether unanimity might not be required in the court of impeachment. The disposition to change seemed stamped upon every thing human, and more wisdom will often be evinced in checking this tendency than in rushing headlong into untried theories. The people are fully adequate to self government, and I trust their right to it will never be questioned. But in constituting their own government, they have, in every instance in which their government has had any stability, provided checks and balances to guard against sudden impulses. So long as the world is peopled by men, and not angels, infallibility will not belong to man, either in his individual or collective capacity. Individuals are liable to err and so are bodies of individuals, and of this truth we have seen many and striking instances; men have been proscribed and hunted down by prejudice and misapprehension, who, after their death, have been almost canonized for the very conduct that led to their denunciation in life. The people are honest, and mean right, and ultimately will do right, but they, as well as individuals, often require time for deliberation, and their deliberate opinion sometimes condemns their sudden acts growing out of impulse and excitement. No man bowes more deferentially to the majesty of the people than I do, or will go further to carry out their deliberately expressed will; and if the people have desired alterations and amendments, they ought to be granted. It is one thing to do this, another to uproot and change every thing. This unceasing love of change, this overturning and overturning until nothing is left, seems to be the business of the uneasy part of the world at this day. This, and the instable thirst for offices which we daily witness, are calculated to do much evil. If granted, many of the results so happily set forth by Addison in one of his allegories, will be produced. He tells us that a command once went forth, I believe from Jupiter, king of the gods, that the dissatisfied of mankind might each carry the peculiar burden under which he labored to an appointed place, and there throw it down, and take up the burden which any other person might have there deposited; that change was very generally made, and after a given time, a similar command again went forth, when lo! almost every one carried back their new burden, and resumed their original one. In relation to the particular subject now under consideration, he trusted the Convention would pause ere they changed a provision, matured with great deliberation by our fathers, and which had worked well in practice. Some gentlemen say that their vote upon this subject must be governed by the determination which the Convention might make relative to the tenure of judicial office. But let it be remembered, that whilst this provision relates to judges, it also relates to the governor, the heads of departments, the prothonotaries, clerks of courts, registrars, recorders, county commissioners, and in fact all the officers of the commonwealth, of which the judges constituted but a small portion; and the provision is a general one as to all officers, whatever their tenure may be. Can there be any difference in a man's guilt, whether this office be held for three, five, or ten years, or during good behaviour? or ought there to be any difference in the Constitution of the tribunal which is to try him? A crime is manifested by the criminal intent of the party doing the act, the malum mens, known to the law, as contradistinguishning intentional from unintentional misconduct.

There is a marked distinction between impeachable offences and official misconduct not characterized by criminal intent. No officer can be convicted on impeachment who has not offended criminally. This position is obey enforced in the arguments of Judge Hopkinson and Mr. Luther Martin on Judge Chase's trial, and by David Paul Brown, before the Senate of Pennsylvania, and the principle re-
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skeuled in the decision of both the cases, may now be considered
the settled law of the land.

What evils have ever grown out of the present system of impeach-
ment? Has any man ever been acquitted who ought to have been
convicted? If so, I have not heard of the case. Judge Addison was
convicted, and although all agree that he deserved to be removed from
office for bringing politics upon the bench, yet many have thought that
his offences were rather such as would have justified removal by ad-
dress, than conviction on impeachment. There have been other cases
of impeachment in this State in which acquittals have taken place,
and in one perhaps, because the matters charged were not impeach-
able, although they would have been good causes for removal. Judge
Cooper was removed by address, and he urged, that if he had done
the acts charged, they were proper for impeachment, not for the
course pursued.

Mr. PORTER deprecated this unceasing cry of change, change,
change. He asked deliberation before decision, and hoped that no
changes would be made, but such as were seriously called for by the
people. That destroying the necessity of having two-thirds of the
court of impeachment to convict, was unconsidered, and it would be
unwise and inexpedient to adopt it. He said that it was of immense
importance in all cases, to have impartial trials, whether it was by
courts of impeachment, or by courts and juries. That great evils
were sustained by the recent fashion of cutting up counties to such
small territorial limits, and to such a limited population, that no cause
scarcely could be fairly tried in them. That the minds of the jurors
were filled with impressions received out of doors, of which they
could not be divested by the evidence they heard in court. That
the amendment of the gentlemen from the county he thought in-
applicable to the article under consideration, and that to prevent
confusion and disorder, all propositions which did not appropriately
belong to the subject under consideration, should be voted down.

Mr. EARLE withdrew his amendment.

Mr. Dickey then rose to a question of order. He asked whether
the question was now on the report of the majority or on the article
of the Constitution.

The CHAIR replied, that the question was on the report of the com-
mittee.

Mr. DICKEY then moved to amend the report by striking out "the
majority" and inserting "two-thirds," so as to restore the article to
its original shape.

On the propriety of sustaining this motion, or voting directly on
the report, and on the subject of order, a debate ensued, in which
Messrs. Dickey, Bayne, Read, Stevens, Clark of Indiana; Cunningham,
Chamber, Sergeant, Dunlop, and Meredith participated.

Mr. CLARK, of Indiana, moved that the committee rise, which
motion prevailed, and the Chairman reported progress and asked
leave to sit again.

The question then being on the committee having leave.

Mr. EARLE said, that he hoped the committee would have leave
to sit again, as he wished to offer certain amendments.

Mr. Fry expressed a wish that the committee would have leave
to sit again.

Mr. FARRELLY hoped, that the committee would have leave to
sit again, as he wished to give his views on the subject, and it was
now near the hour of adjournment.

The vote being taken, the committee had leave to sit again to-
morrow.

Adjourned.

SATURDAY, May 20, 1837

Mr. Myers of Venango, presented a memorial from the citi-
zens of Venango county, on the subject of banks and banking,
similar to the memorial from the citizens of Erie county, on the
same subject; which was referred to the committee on banks and
banking.

Mr. CRAWFORD obtained leave of absence for a few days.

Mr. BARNDOLLAR obtained leave of absence until Thursday
next.

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

Mr. HAMLIN of M'Kean, presented a petition from the citizens
of M'Kean county, on the subject of banks and banking, similar to
the petition presented for the same subject from Venango, and it
was referred to the committee on that subject.

Mr. BIGELOW of Westmoreland, offered the following resolu-
tion, which was read, laid on the table, and ordered to be printed.

Resolved, That the first section of the third article of the Consti-
tution be so amended as to provide as follows, viz:

In elections by the citizens, every free white male citizen of the
age of twenty-one years and upwards, who is a citizen by birth, or
naturalization, and every son of a naturalized citizen of the age of
twenty-one years and upwards, who may have resided in the State
one year, and at the time of offering his vote, a resident of the town-
ship or district where he shall offer such vote, shall enjoy the rights
of an elector, providing that neither paupers, nor persons under
guardianship, nor persons who have been convicted of any infamous
crime, nor persons non compos mentis, shall be permitted to vote at
any election.

Mr. DARRAH offered the following resolution, which was read
and printed, and ordered to be printed.

Resolved, That the committee on the fifth article of the Consti-
tution, be instructed to inquire into the expediency of so amending
the second, and tenth sections thereof as follows;

Section 3. The judges of the Supreme Court, and the president
judges of the Court of Common Pleas, shall be appointed by a joint
vote of both houses of the General Assembly. The supreme judg-
s for a term of ten years, and the president judges of the Court of
Common Pleas for a term of seven years, and the associate judg-
the Court of Common Pleas, &c. shall be elected by the qualified electors, in the counties where they are to officiate, and for a term of three years. The judges of the Supreme Court, and president judges of the Courts of Common Pleas, shall at stated times receive for their services, an adequate compensation, to be fixed by law; which shall not be diminished during their continuance in office; but they shall receive no fees of perquisites of office, nor hold any other office of profit or trust under the authority of this State or the United States.

Section 10. Justices of the Peace shall be elected by the qualified electors in each township or ward, for a term of three years, and not to exceed two in number in any one township or ward, and whose powers and duties shall from time to time, be regulated and defined by law.

**FIRST ARTICLE.**

Mr. BARNITZ, in behalf of the minority of the committee on the first article, made the following report:

The undersigned, a minority of the committee to whom was referred the first article of the Constitution, submit the following report, viz:

That it is inexpedient to make any alteration in the fifth section of the first article of the Constitution.

CHARLES A. BARNITZ,
HARMAR DENNY,
W. P. MACLAY.

**ORDER OF THE DAY.**

The question being on the motion to resume the consideration of the report of the committee on the fourth article.

Mr. BROWN of the county, said it was unnecessary to consider that subject any further at the present time.

Mr. CUNNINGHAM said it was not a debatable question.

The question being taken, the motion prevailed—yeas 76.

**FOURTH ARTICLE.**

The Convention proceeded in committee of the whole, (Mr. Den- nay in the Chair) to consider the report of the committee on the fourth article.

The following section being under consideration:

Section 2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without a majority of the members present.

The question being on the motion of Mr. Dickey, to strike out the word "majority" and insert "two-thirds."

Mr. BROWN moved that the committee rise. He said he made the motion for the committee to rise, in consequence of the apparent agreement on all sides, that in the present stage of our proceedings no change ought to be made in the article under consideration. Those who looked to a change at any time had all placed that change upon contingencies which might or might not happen. It was therefore due to them to postpone a decision of the question, until the future provisions in the Constitution shall point out the course for them to pursue. The people, he said, would be surprised, if not astonished to learn, that the Convention had been for several days debating upon questions which had not been agitated by them; and they would ask how it was, that some twenty or more of the most talented gentlemen of the Convention, had all spoken in favor of the article under consideration, when not one word had been said against it. They will think there is more in it than meets the eye. He for one, said Mr. B., did not know what was meant by all those speeches, unless it was to induce a belief elsewhere, that the friends of reform were desirous of changing all parts of the Constitution, merely for the sake of change, and to give certain gentlemen an opportunity on which to bang learned speeches in defense of the independence of the Judiciary, and on the "sacredness of the trial by jury," when no one here felt any desire to destroy the one, or impair the other. The friends of reform wished only such reform as the people required. They did not want to try theories, no matter how beautiful they might appear to those who proposed them, and he called on them now, to put an end to the discussion of subjects, which did not look to the reform required, and take up those parts of the Constitution, to which it was necessary to make amendments.

While he was up, he, Mr. B., would say a few words to the gentleman from Northampton, in reply to what fell from that gentleman yesterday. The course of that gentleman's remarks, went to show the incompetency of the people for self-government.

Mr. PORTER rose and said, he had not said the people were not competent to self-government.

Mr. BROWN said, the gentleman from Northampton, might modify the language he had used, if on reflection, he thought best so to modify it; but he, Mr. B., was not mistaken in the inference that was drawn from the gentleman's language, which went to show how prone the people were to do wrong.

Mr. PORTER. The gentleman is bound to take my explanation. I did not say that which he put into my mouth.

Mr. BROWN. I have a right to draw my own inferences from the gentleman's remarks, however he may qualify them.

Mr. PORTER. I call the gentleman to order. He misquotes me and persists in his misrepresentation of what I said.

Mr. BROWN. I have a right, sir, to infer from the course of argument pursued by the gentleman.

Mr. PORTER. I call the gentleman to order.

The Chair said, the gentleman from Philadelphia county, is called to order.

Mr. PORTER. I neither said what he imputes to me, nor any thing from which any gentleman could draw such an inference.

Mr. B. said, the gentleman from Northampton may have his own version of his own language, but he, Mr. B., had a right to say in argument, what were the inferences to be drawn from the arguments of the gentleman from Northampton, though this gentleman may now give up his language and his argument, what direction he pleases. He, Mr. B., would leave it, however, to the Convention, to judge of what the gentleman from Northampton did say—or what he meant, as the gentleman seemed so sensitive on this subject, he, Mr. B., would notice another portion of the gentleman's remarks, which he,
Mr. B., presumed the gentleman from Northampton would not deny having made. The gentleman from Northampton had joined in chorus with those opposed to reform, and had long and loud, uttered his deprecatings against the increasing desire of change, that had obtained among the people. This, said Mr. B., had been the cry at all times raised by those who had power, against the people when they attempted to wrest it from the hands of those who had unjustly deprived them of it. All the despots and tyrants that had ever held the people in bondage, were opposed to this desire of change in the people. All the good, said Mr. B., the people ever obtained—all the freedom they now enjoy, here or anywhere else, had been obtained through this desire of change; and he, Mr. B., hoped this desire of change would never cease; but that the people would always require such changes in their government, as their experience and future light might point out to them, as necessary for their happiness. The people of Pennsylvania had always been in favor of change. The Constitution made in 1776, by the tried men of that period by such men as Franklin, Clymer and Rittenhouse, was changed in twenty years. Change is the result of experience; and the people will always desire change, when the government is not such as they approve.

Mr. B. would not, he said, have troubled the Convention with any reply to the remarks of the gentleman, at the commencement of the session of the Convention, in a prominent position in the party with which he, Mr. B., acted; he deemed it, therefore, his duty to say that the whole tenor of that gentleman's remarks was not, in his, Mr. B.'s opinion, such as the democratic party, in or out of the Convention, entertained or approved.

Mr. HOPKINSON suggested that it would be improper for the committee to rise, as it was understood that a gentleman was entitled by courtesy, to the floor.

Mr. BROWN stated, that he had consulted with that gentleman (Mr. Farrell) on the subject, and had understood from him that he did not wish to address the committee at the present time.

Mr. PORTER said, that there are some men possessed of so much obliquity of moral and intellectual vision, that they will not understand the whole tenor of that gentleman's remarks. He said, in his opinion, such as the democratic party entertained or approved.

Mr. BROWN. What does the gentleman mean? Does he intend to impute any moral obliquity to me?

Mr. PORTER. I mean exactly what I said. I have used a general expression, and if the member finds it applicable to himself, he might so apply it. Yesterday he (Mr. P.) had expressly said that the people were entirely capable of self government; that all power properly belonged to them. And that generally exercised it right, but that until man was otherwise constituted than he was, he was liable to error, both individually and collectively; that the people, when they did so err, on reflection corrected their errors. This had been tortured and misrepresented by the gentleman from the county of Philadelphia, who had charged him with asserting that the people were not capable of self-government—a sentiment he had never entertained or uttered. He had always held that the people were the only legitimate source and depository of power; that all power was inherent in them, and that they were capable in the fullest extent of governing themselves and managing their affairs; and he felt no disposition to let misrepresentations of his language or sentiments go abroad, without contradicting them. The delegate from the county had been corrected in his misrepresentation, when he uttered it; but that he still persisted, contrary to all rules, to reiterate the charge—exemplifying the truth of what Goldsmith says, in the Deseret Village:

"In urging, too, the person owned his skill,
For o'en though vanquished he could argue still."

And that he trusted that delegate would henceforth find some more fitting employment than making such charges against his neighbours.

Mr. BANKS interposed. He hoped, he said, that the gentleman would not pursue his remarks any further.

Mr. PORTER said, he should add nothing more.

Mr. BANKS felt assured, he said, that no good could result from recrimination. We should have enough to do to sustain the great interests to which, he trusted, we were all attached. He recommended it to gentlemen to remember the precautionary adage:

"Save me from my friends; my enemies I can take care of myself."

Mr. BROWN. That was precisely the reason of my remarks. We can take care of our enemies, or they can take care of us. I wished to guard against supposed friends. For that reason I adverted to the remarks of the gentleman, I might have misunderstood his language; but, he was so understood by others; as to that I have heard but one sentiment around me.

Mr. M'CAHEN said, that if any gentleman who now ranked with his party were disposed to become the advocates of doctrines sustained generally by those of the opposite party, he should not complain, for he hoped and expected to find among those who were not numbered with the democratic members, some, and sufficient to carry many of the most salutary reforms desired by the people of the State.

Mr. FARRELLY said his only reason for wishing to address the committee on the subject was, that none of those who were in favor of the amendment proposed by the committee had been heard. But he thought this was not the time for the discussion; and he would prefer that the committee should rise.

Mr. SMYTH, of Centre, was sorry to see the debate take so wide a range. It was desirable that the most harmonious feelings should be cultivated here, in order that we might go on with the business. He himself was in favor of proceeding with the business of the Convention. He desired to see some change in the Constitution in several respects. The subject under discussion was not a light matter to pass upon; notwithstanding the general expression of opinion by so many speeches in opposition to the proposed amendment. It was an easy matter to roll a snow ball down hill. He hoped the committee would rise.

Mr. MARTIN was opposed to the motion for the committee to rise. He was not sorry that the committee had reported as they had done; and he believed that the discussion had resulted in much good.
Mr. EARLE said he understood the gentleman from Crawford to say that his vote would depend upon what was done in other parts of the Constitution. Other gentlemen had said the same thing. There was another reason in favor of the motion. If the discussion was to be continued, several amendments would be offered to the report.

Mr. PORTER, of Northampton, said that it was perhaps due to the Convention and to himself, to say a word correcting misapprehension or misrepresentation of what he said yesterday on the subject of change. The question before the committee was, whether a change should be made in the number necessary for conviction or impeachment; and as this had not been asked for by the people of any part of the State, and he believed it wrong in principle, he opposed it and it was in relation to this and similar proposed alterations that he deprecated a change. If gentlemen had listened, they might have heard him a week since, say, that his constituents desired certain changes, and that he and his colleagues were prepared to carry out their views. He never had said, he was opposed to all changes in the Constitution—some were necessary and called for, and ought to be adopted. But he deprecated such changes as would upset all our systems and destroy confidence. The judiciary had been drawn into this debate. This was all out of place; but as he had no concealment, he had no objection to state to this Convention, as he had to his constituents when nominated, that he preferred the tenure during good behaviour. That if it was required to limit their tenure to a term of years, he was not fastidious, but could only go for it, if provision was made to raise their salaries proportionally, that the services of the best men could be had. He felt anxious that we should have the best lawyers on the bench, and any measure calculated to produce this result, would meet his approbation. He had no notion of having half hands for judges; that would, indeed, be one of the greatest curses that could be inflicted on the Commonwealth. That he would not be willing under any circumstances, to go for a less tenure than ten years. He had no idea of electing the judges every year or two, or of putting the names of all the lawyers in the State in a wheel, like so many jurymen, and draw out a competent number every December, to serve as judges for the whole State, for the coming year, or of any other such wild and crazy schemes. He was for reforming what was necessary, and clearly called for by the people, and not for change for mere change sake. It was this he deprecated.

Mr. M'DOWELL, of Bucks, said, as one of the majority of the committee who reported the amendment under discussion, he reluctantly felt it to be his duty to explain the motives which induced him to join in the report. He was sorry he felt constrained to do so at this time, as he deemed the discussion premature, and was anxious it should be postponed until the judiciary question was settled; he considered the two intimately connected with each other. In the event of judicial appointments being limited to a term of years, there is no difference of sentiment upon the subject before the House. Sir, I have reflected much and frequently upon this clause of the Constitution, and am not satisfied with its provisions. I believe, for a l...
practical operations, it is a dead letter—it is inefficient and nugatory—the purposes which it was intended to accomplish are too difficult of execution—the means are too remote from the people. Entertaining these opinions, which have not been hastily formed, I was induced to vote in the report of a majority of the committee, not that the amendment which that report recommended was without exception in my mind; but in the hope that in the discussion which I knew it would produce, a better suggestion might be elicited. In this, however, I have been disappointed; and as it is, I am entirely indifferent about its adoption. I do not regret the time and the talent that has been spent in its examination.

The learned gentleman from the city, (Mr. Sergeant,) who addressed the committee yesterday, seemed to deprecate this amendment with a sort of premonitory apprehension. That gentleman, and others, appear to think the present Constitution the perfection of human wisdom, and one eulogy after another has been passed upon it until some members of this Convention, begin to think it treason to touch it. The great and the good men who formed that instrument, have been constantly held up to view: their patriotism and their virtues, have been enlarged upon, in order to awe this body into an implicit obedience to their act. Sir, no man in this Convention, has a higher regard for, or more profound respect, for the talent that has been bestowed upon him, than I do. But sir, after all, they were only men—wise men if you choose. And I perfectly agree with the gentleman, that the present Constitution, is a monument of the wisdom of our forefathers, and at the time of its formation, was as perfect perhaps, as human reason could devise it. Does it follow, that because it was formed by such men, and was peculiarly adapted to the exigencies of such times, that it is hæresy to touch it now? Are people less wise than they were fifty years ago? Why sir, we have been told over and over again on this floor, that this Convention is the most august and important body of men on the face of the globe, that all the talents of this great Commonwealth, is here concentrated. I do not mean to differ with gentlemen about their exalted belief of themselves. I have no doubt there is a great deal of talent in this Convention, but I do not believe all the talent of the Commonwealth is here. There are certainly very many great men in this body, but the great men of the land are not all here; there are many left at home. Sir, if we are that enlightened body that gentlemen speak of, why this terror of approaching the Constitution? Upon the familiar principle that every son is wiser than his father, we have a right to examine this instrument, and if we believe it to be defective in any one or more instances, it is our duty to say so. I have no fears upon this subject—if we act with integrity of purpose, and perform our duty to the best of our knowledge and abilities, it is all that is asked of us.

The gentleman from the city, (Mr. Sergeant,) has dwelt with great emphasis and peculiar force, upon the importance of the impeaching power, and the weight of its judgments. He is not willing to trust a majority of the Senate, for the reason that the Legislature is elected by the people mostly upon party grounds—sometimes under great excitement, and are liable to prejudices that disqualify them for impartial judges. Sir, I have great faith in the people; (I hope the democrats will excuse me for enunciating upon their peculiar rights) generally speaking, the best men in our districts are elected to the Senate—they ought always to be, they are, elected for their intelligence and integrity. When sitting to try a question of impeachment, they are specially sworn for that purpose, and a vote of a majority would be presumed right and just. If it were otherwise—if two-thirds were necessary to a conviction, it would be a hopeless pursuit, and few officers of trust would be brought to punishment. But sir, this is not all; it is the extreme severity of the punishment, which makes men shrink from the infliction of it. It is the awfulness of that condemnation, which the gentleman has so feelingly described, added to the requisition of two-thirds of the Senate agreeing, that defeats the purpose of the law. If convicted, they may be disqualified to hold any office of honor, profit, or trust, under this Commonwealth." I would strike out that part of the amendment, and contain the consequences of a conviction to a removal from, and disqualification to hold the particular office. I would give the trial to the Senate, or to the Senate and House of Representatives combined, if you please, a majority of whose votes should be sufficient to convict. By the conviction, the officer should be deprived of no right, but to hold the office he had abused. I can see no reason for such universal and indiscriminate disinheritances, as the present Constitution and the amendment both contemplate. Let him return to the people, and if they choose to bestow upon him any other office by their suffrages, let them do so. If a majority of the Senate, or House, should by chance inflict an unjust judgment, the people, who are mostly just and generous too, might avert to some extent, the injury which would follow.

Sir, much has been said about the independence of the judiciary and the protection of judges, and this amendment is mainly objected, to because it would destroy both. Most of the arguments which have been urged against any amendment to this article of the Constitution, seems to me to be based upon the assumption, that the judges of our courts are not men—or if men, that they are superior to all other men in purity of purpose and integrity of action, and that they do not need the impending penalties which other public officers do. Sir, I am not willing to concede any such prejudices. I believe like other men, there are good and bad among them. They are frail creatures like the rest of us—liable to malign influence and error. How are they created? Does not the Governor appoint them? and is not that Governor elected by the people—by a party for a party—and for party purposes? Does he not make his appointments, judicial and others, on party grounds? And are they not liable to all the feelings and prejudices of party men? Sir, the gentlemen must convince me that the wisest and purest men are always elected. Governors of Pennsylvania, (a point I do not concede,) and that they always appoint the best men to judicial stations without regard to any thing but their pre-eminent qualifications, before I can agree that judges do not require sentiments, and ought not to be made responsible to the same laws as other public officers. I do not believe that a commission either ancient, or purifies the man. Sir, this notion of inde-
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penedence founded on irresponsibility is a curious thing. If the judiciary of Pennsylvania cannot be sufficiently independent without placing it beyond the reach of all law and all accountability, it was for better that courts were abolished and disputes settled in town meeting. I believe, sir, that the surest protection to a judge, is a conscientious discharge of his duties, a conviction of which in his own mind, constitutes all necessary independence. I have no idea of a public man being in the world, yet above the world, and the laws of the land. I think it necessary, sir, that a judge and all other public officers, should not only have the fear of God constantly before their eyes, but the fear of the people also. These, sir, are some of the reasons which have influenced my course, in regard to this amendment. As I before said, I am indifferent about its fate, and would have been perfectly willing it should have been passed upon without a word from me.

Mr. SERGEANT (President) said, if no other gentleman wished to express his views, he would make a few remarks on a point upon which he felt great anxiety. As a Pennsylvanian, he felt deeply anxious as to the character and dignity of this body, which, he hoped, would never be lost sight of by any one of its members. This he did not say as a rebuke, or a censure. This body, he hoped, would bear such a comparison with other similar Assemblies of other States, as the strength, wealth, and intelligence of Pennsylvania entitled its public bodies to bear. He was induced to make this remark, from the habit into which we had fallen of recriminating each other for speaking and much speaking. There could not be too much speaking here, if it was to the purpose. We were sent here to debate. How far the suggestions of any gentleman may throw light on any subject, he was himself, to be the judge; for each man who was sent here, must be considered as possessing the confidence of his constituents, and is entitled to speak as with their mouth and their mind. He hoped no gentleman here would refrain from expressing his sentiments and giving us the benefit of his views. He spoke on this matter, not without book. The law enjoins it upon us to preserve our debates; not only the results of our proceedings, but our arguments and views.

This body was composed of various individuals, of different ages and pursuits. There were some who had no difficulty in rising at any time, to address this body. Others were more retiring, though not less gifted, nor less able to shed light upon the subjects under consideration. Are these men to be kept down? Are they to be told that too many have already spoken? Are we, in this way, to create two parties in this body, like those in the House of Commons; the leaders, who alone speak, and the remainder who sit silent?

Sir, said Mr. Sergeant, this is a semi-centennial body; nearly fifty years have elapsed since the Convention which framed the present Constitution; and fifty more may elapse before another will be called. We have with us such an admixture of young men, as will serve to carry down to our successors the oral evidence of our proceedings; but with regard to the rest of us, we shall never witness another similar occasion: of the last body, which was sixty-three in number, only three were now living. It was to be recollected, that it was not by long and frequent speaking that the reputation of this body, and its individual member, was to be secured. When debates came to be spread before the people, they would be best satisfied with what was most to the purpose. It was already going abroad that this body was proving indifferent, and too much addicted to idle debate. Our labors are likely to be condemned before they are completed, or in fact, begun.

With regard to the motion for the committee to rise, he hoped they would not rise till the question was taken. The best way was to finish one thing, before we began another. We could pass upon this article now, and if we chose, modify it afterwards. Here Mr. Sergeant argued, at more length, in opposition to the suggestion made by the gentleman from Bucks, (Mr. McDowell,) in favor of the decision, upon an impeachment by a majority of the Senate, provided the penalty extended no further than removal from office, without disqualification for holding another office. He asked whether any man desired to see such a state of things, as that an officer convicted of an infamous offence, and rendered incapable of holding one office, should be able to hold another office. Was it possible that a convicted felon could be permitted to hold any office?

The gentleman from Bucks was the second gentleman who had held out the idea that there was nothing in this Constitution entitled to any particular respect. That might be. We should see as we went on. So far as we had gone we found nothing to change. One article had been passed over, and so would this be, in all probability. When we found any thing to change, we might say that we were wiser than those who framed it.

I hope, said Mr. Sergeant, that those who fill our places fifty years hence may be able to look back upon as much happiness and prosperity as we now can, in contemplating the last half century. If they ever come here then, as we do now, without any practical evidence of any error in our system of government; if they can come, as we do, merely to speculate upon matters of government, it will be a strong argument in favor of what we have done. He hoped it would be so.

The Constitution, said Mr. S. was committed to us by the public, with no declaration that they desire any specific changes, unless we should, after due deliberation, think them necessary. He said, however, there had never been a vote of the people of Pennsylvania, in favor of a change of this Constitution. There were forty thousand voters who did not vote upon the question of the call of the Convention. These forty thousand must have been either against the Convention, or perfectly indifferent to it, which was the same thing. Further he stated, that there had been no party vote in favour of any change. Where was the vote of Northampton and of Berks, the two strongest democratic counties in the state, when the question of a Convention was submitted to them. It was two to one against it. There was no party vote for the Convention; and when we came to vote upon specific questions, we should not stand on party grounds, however it might have been at the organization of this body.

Mr. FULLER rose, he said, to express an opinion as to a remark made by the gentleman. On the ground taken by the gentleman, it would be extremely difficult to get the opinion of the people of Pennsylvania, on any subject. If those who did not vote
Mr. BANKS said, encouraged as we had been, to offer our sentiments to this body, he would make a few remarks upon the views which had hitherto been taken on this question. The whole field connected with the Judiciary, had been travelled over in the discussion which he did not believe to be in order or necessary on this question. It gave him great pleasure to have the presiding officer take a lead in the debates, and take such latitude of remark. He appreciated that gentleman’s opinions, as highly as those of any gentleman here, as regarded the interests of the Commonwealth. As to the points in which he differed with him, he hoped they would have no cause of quarrel. “Times, and places, and circumstances” make it necessary sometimes, to contend for what we believe right and necessary. He expressed much gratification at the remarks of the gentleman from Crawford, (Mr. Farrelly,) and said, he hoped the gentleman would often be induced to favor us with his views; and he could say to the gentleman from Bucks, (Mr. M’Dowall,) as had been said by one gentleman on his left, to another some days ago—he gave him the hand of fellowship. He was, for his own part, a reformer of errors and abuses, as he understood them, to whatever subject they related. He did not wish any thing to be done here which would compromise the independence of the Judiciary. But how should it be secured. By elevating it like the laws of Draco, to a height far beyond the reach and knowledge of the people? No, sir—it was to be done only, by fixing the affections and the confidence of the people upon the Judiciary. The denunciatory which we had heard here against “change, change, change,” had produced some uncomfortable feeling in this body. The arguments of the gentleman from Lebanon. (Mr. Weidman,) and of the gentleman from Philadelphia, (Mr. Biddle,) led to the conclusion that they desired no change, and that their constituents desired none.

Mr. BIDDLE explained, that he was opposed only to unnecessary changes.

Mr. BANKS said, he knew the gentleman had guarded the remark. He had referred only to his own inference from it. He remarked upon the argument delivered a few days ago by the venerable gentleman from the city, (Mr. Hopkinson) as exhibiting too much tenacity of the present Constitution, and too exclusive a regard for the wisdom of its framers. He had a high respect for those framers and their work; but a change of circumstances might still render many changes expedient and proper.

It is according to the spirit of our institutions, that a majority shall rule. There is not a single exception, unless it be trial or impeachment, where a minority has a greater power than a majority. In trials by jury it does indeed require unanimity, but this is for special reasons, which do not exist in trials or impeachments by a deliberative body accountable to the people for the manner in which they discharge their trust. But go into any department, of the community, civil or religious, and does not the majority invariably rule? Who dissent from the doctrine? No one. Then why will not this rule apply to the removal of judges? It has been stated, that moral infamy will follow conviction. But will there not as much infamy attach to a judge, when he is permitted to remain in office, when a majority of the Senate vote against him, as if found guilty by the vote of two-thirds? In 1805, seventeen members of the Senate voted that the judges were guilty of oppression, and twelve or thirteen, that they were not guilty. It required two-thirds to remove them, and they were continued in office. Did their continuance in office, make them less infamous, morally? He did not mean legally. When the confidence of the people is withdrawn from judges, save by this principle of two-thirds, their usefulness is done, and unless judges so conduct themselves as to enjoy the confidence of the people, they never can be useful, hedge them about as you will. They must be respected, not feared.

Mr. FRY said, that he was one of the committee on the 4th article of the Constitution, and had agreed to the report of the majority of that committee. Since the report had been under consideration, he had heard many able arguments against it, but still they had not yet changed his mind. The gentleman from Northampton, in his argument in favor of retaining the number of “two-thirds” as necessary to convict, on impeachment, had, he apprehended, made a mistake when he stated, that the “two-thirds” principle was contained in every state Constitution of the Union. The Constitution of Massachusetts had not this provision. He declared himself in favor of the rising of the committee, in order to give those who wished to offer amendments, time to do so. For his own part, however, he was prepared to vote now, if the committee determined to take the question.

Mr. PLEEMING of Lycoming, said, he had formed his opinion, in reference to the article in the Constitution on impeachment, before he came from his constituents. He had been much interested in the discussion of the report of the committee, but he had heard nothing to convince him, that there should be a change in the Constitution, of the tribunal for trial, on impeachment. In the formation of the legislative department, why was the Senate elected for four years and the House of Representatives for one? What did the framers of the Constitution mean, unless it was, that the Senate should be a check on the other branch, in times of political excitement? That it would be a barrier to party violence, and give time for reflection and reason to operate on the public mind. The people themselves had constituted this division of the Government for their own security, and for a safe guard for their own rights. But while he was opposed to an alteration in the mode of trial on impeachments, concerning which he had heard no complaints among the people, he did not agree with some of the gentlemen who had spoken, that the people had not decided in favor of a Convention, for the purpose of making salutary amendments to the Constitution. He was sorry that the subject of reforms had not been sufficiently discussed by the public press, but he did not think, that because forty thousand voters did not think proper to vote on the question of calling a Convention, that it ought to be conclusive evidence that they were opposed to all amendments, since the Convention has been called.


CONVENTION PROCEEDINGS.

Continued from Saturday.

He (Mr. Fleming) said that he himself twice gave his vote against the call of a Convention, because he feared the influence of the politics of the day might possibly affect some of the best features of the Constitution. But notwithstanding he so thought, he was always in favour of several alterations in that instrument. He said that he acknowledged the wisdom and the patriotism of the framers of the Constitution of 1790. Their work, was undoubtedly, a good one at the time; but nothing human is perfect, and time and circumstances have made some reforms necessary. And so the people have said.
provisions in the Constitutions of other States, and he had come to the conclusion that it could not be altered in the manner proposed by the committee without injury to the public interests. The stability of our institutions depended in a great degree, upon keeping separate the co-ordinate branches of the government. The adoption of the provision, recommended in the report of the majority of the committee, would have a tendency to make the judiciary dependant upon the Legislative department, and destroy the balance in the system of government. What is the origin of this tribunal, constituted for the trial of civil officers, and differing from the trial by jury? It was borrowed from the House of Peers. But in that House of Peers, there was a mass of legal learning, and the object of impeachment was secured in his rights by a panoply of legal talent and influence. Trial by jury had been extolled, and justly. But trial by jury, constituted as it must necessarily be, was an imperfect tribunal, and one in which a majority, or even two-thirds could not convict, without putting in danger the lives and characters of the accused. But the security lay in this—that a single man could arrest injustice. But what? was this tribunal constituted to try your civil officers—the judges of your courts? The State Senate, composed of thirty-three men, chosen by parties, and often pledged to carry out party measures. He admitted, that worth and talent were there, but party was also there; prejudice and passion was sometimes there. Was this a tribunal before which we could bring those who administer justice, when a bare majority could hurt them from office, and consign them to infamy? Could we look to this, as a great body of triers for impartiality? for that security in the faithful discharge of duty, which should always be thrown around those who are the expounders of the laws? Will you not give them that shield for character, which you give the basest felon and the meanest felon that is brought before your courts? For his part, he preferred to imitate the principle of trial by jury, and require a unanimous vote to convict, than to strike out "two-thirds," and leave it to a bare majority.

We adjourned yesterday to give the majority of the committee a chance to bring forward their arguments, to sustain their report. Every committee proposing amendments, ought to be prepared with arguments to support them. What has been the case on the report before us? Their report and arguments were different. In their report, they make disqualification for office, the result of conviction, while they have argued on the supposition, that there was to be no disqualification, but merely a removal from office. They seemed to be conscious, that the report could not be sustained. One of the gentlemen has declared, that the proposed change would bring the judges nearer the people, and that a removal under the present Constitution, by the Senate, was impossible. For his part, he hoped that it would always be impossible, until two-thirds of that body believed a judge guilty of the charge laid against him. He would not discuss the question of the Judiciary now; this he would do at another time; but he would say, and he supposed all would say, that we should have the wisest and most learned men for judges. The selection should always be from the most honest, patriotic, and enlightened—and they were generally men of this description. Will you, then, place them in a situation where a majority of political enemies can brand them with infamy? He wished them to have the fear of God before their eyes, but no other fear; that in the discharge of the high duty devolved upon them, the fear of men should not deter them from holding the scales of justice with clean hands, and that they would ever be uninfluenced by fear, favor, or affection.

Mr. CLARKE, of Indiana, hoped that the committee would not rise, but that the vote would be taken on the report. He said, that he had been pleased, and as he thought, instructed by the debate, and he should not have arisen, if the respectable gentleman from Philadelphia, (Mr. Chauncey) had not said in the course of his remarks, that the Convention derived its power from the Legislature. He thought that this was not the case, but that the people commissioned us, and that we were not limited to the mere will of the Legislature, which passed the act calling a Convention. The people petitioned the Legislature, and a law was passed in consequence, submitting the question, of "Convention or no Convention," to the people for their decision. So far as the Legislature voted, it was merely recommendatory. If the members of the Legislature had met in caucuses and recommended a Convention, and the people had chosen delegates in consequence, the sentiments of the caucus would have been equally binding as the sentiments of the Legislature. So, if a Convention of delegates elected in the primary assemblies had recommended this Convention, it would have been the same thing. It was merely recommendatory, and could not bind the people nor their representatives, in this Convention. He admitted that this Convention was restrained on one thing, and that was an obligation to submit our proceedings to the people; but on this question, the people had spoken, at the time they authorized a Convention. On that question we are instructed, but on no other. He said that he had listened with delight, to what had fallen from the President, but did not agree with him; in one position which he had taken, as reference to public opinion on the subject of reform, in those counties that gave majorities against a Convention. He said he was satisfied that a large number of those, who voted against a Convention, or did not vote at all, were in favor of wholesome amendments, but were at the time, fearful that party amendments would be incorporated into the fundamental law of the land. This he believed to be the case in the counties of Berks and Northampton, which had been referred to, as giving such large majorities against the Convention. The sentiments of the people in those counties could be learned from the delegates, who had offered resolutions signifying certain amendments which they wished to have adopted.

Mr. CHAUNCEY replied, that he agreed with the gentleman who had just taken his seat, that all power was in the people. But how has the popular voice been expressed, except through their constituted agents? He acknowledged the supremacy of the people; he was one of the people himself, and came here to represent them. He said he heard much of what some gentlemen chose to denominate the voice of the people, and the wishes of the people in reference to alterations of the Constitution. But in what manner has this voice been
I selection of delegates to that Convention, the people had witnessed, letter of James Buchanan, expressing a wish to be instructed. The governor should be reduced, that the elective franchise should be used by their agents for their benefit. We have heard the party extended as widely as possible, and that in every department of government, whether Legislative, Executive or Judicial, an immediate and direct action of the people may occur in the choice of those who are to administer that government. On the question before this House, he exercised his private opinion, and hoped the fourth article would pass without amendment, on the principle, that as impeachments assimilate in character to trial by jury, the greater number that decide hereon, the greater the safety of the accused from groundless charges for the effect of political excitement.

Mr. PORTER, of Northampton, said, that as the county he in part represented had been referred to as opposed to the call of the Convention, it might be proper for him to say, that when the vote on the call of a Convention was taken, the party to which he belonged was in power, and it was not usual for people who had power willingly to give it up; and that the principal vote for the call of the Convention proceeded from the opposite party. But that now the tables were turned. Before they got into power the friends of the present executive were strenuous advocates of reform; but having the power now they seemed to have changed their views: "circumstances alter cases;" and this was exemplified in the present position of the parties. The truth was, however, that the question of Convention or no Convention, was not made a party question in the election in 1833; and although the people of the county of Northampton had then thought the times not to be propitious for calling a Convention, still, neither they nor their representatives were opposed to all change. They thought certain amendments necessary, and would insist upon them.

Mr. DUNLOP replied to the gentleman from Indiana, at considerable length. He endeavored to show that the sentiment advanced by him, that the Legislature did not speak the voice of the people, and did not control the people, was very different from the doctrines of the party—the patent democratic party. He then adverted to the letter of James Buchanan, expressing a willingness to be instructed by the Legislature, and to obey its instructions as instructions from the people, to show that the high leaders of the party had.hitherto acknowledged the instructions of the Legislature to be binding. He concluded with an argument in opposition to the report of the committee; and in favor of retaining in the Constitution, the provision of requiring two-thirds of the Senate to convict judges and other civil officers; where unanimity was required in a jury to convict the meanest criminal of crime.

Mr. MEREDITH thought that the Convention ought not to consider any article as isolated and unconnected with the Constitution as a whole. He thought that the whole ground ought to be surveyed, and the provisions considered, not as naked propositions, but in connexion with the whole frame of government. The Constitution was formed to carry out the principles of free government, to protect the rights of the people at large, and at the same time afford security to individuals. Our fathers had before them a whole system, and in revising it we ought not to lose sight of the principles upon which it was founded. What are these principles? One is that all power emanates from, and is deposited with the people, and should be used by their agents for their benefit. We have heard the party cry of hide years, of alarm, as if there was a body of the people which denied that right of the people to govern. Looking back upon the history of the country, he found no party supporting such a sentiment; for however parties might differ as to respects used and manners, all contended for the supremacy of the people. There was another principle. The public agents are accountable to the people, for the manner in which they execute the public trusts. There is no irresponsible power in this Commonwealth none removed by statute above the laws, and out of the reach of public sentiment: In accordance with these principles, and in seeming them, all delegated power was divided into Executive, Legislative, and Judicial; and divided
in such a manner as to check and control its abuse. It was found
that the Legislative was the most powerful, and calculated to swallow
up the rest, and the framers of the government wisely ordained certain
checks, in order to prevent its encroachment upon the others
and upon the people. It was necessary to make the Legislative
tribunal for the trial of civil officers who have been guilty of misde-
meanors, to arraign the members of one department before another.

How could this be done, with perfect safety to the government—
individuals he left out of view in this question. What course was to
be taken to check the influence of prejudice, of passion, of party, in
the trial of a judge impeached and arraigned before the Legislature?
The check in the Constitution was, that two-thirds of the Senate was
necessary for conviction. It had been said that the judges were not
the people—but it should be remembered that the Legislature are not
the people; both were the agents of the people, to perform certain
duties. In an impeachment, the question was, how could the Legis-
lature check judicial misconduct, until the people could come in to
decide. Impeachment were not intended solely for the punishment.
In order to show that we ought to look over the whole ground, the
veto power of the Governor might be mentioned. This power was
given to the Executive to arrest laws until the people could decide
upon them. A law could not be passed without two-thirds of the
Legislature after a veto. But what should be the use of the veto, if
a majority of the Legislature could turn the Governor out of office?
He did not look at this principle of two-thirds as introduced merely
to protect the officer. It was a check for the preservation of the
people's rights. This power of trial on impeachment was necessarily
lodged in the Senate, and having been lodged there, it was necessary
to introduce certain guards and checks in order to preserve the
balance in the Government and insure its stability. Of this account
the principle of two-thirds was introduced. It was not borrowed
from any foreign country, but from experience and necessity was in-
grafted into the Constitution.

Mr. EARLE said, that he wished to caution the Convention against
a misconception of the observations of the gentleman from North-
ampton, (Mr. Porter.) When that gentleman said that he was not
in favor of electing the judges every year—that he was not in favor
of drawing them by lot out of a box—that he was not in favor of
half judges—that he would not sustain crazy ideas of reform—the
Convention should not understand him as intimating, that any of the
reform members of this body, were advocates of such measures, or
as applying his observations to any of the reform delegates, but rather
to some persons about the borough of Easton. If any should erro-
neously imagine otherwise, he (Mr. E.,) would assure them, that he
was well acquainted with the sentiments of most of the reform dele-
gates, and that there was not one of them in favor of any one of the
ideas alluded to. It was true, that they were aware, that in one of
the States of the Union, the judges had been elected annually, for
upwards of two hundred years, and that in that, as well as in other
States, where the same term prevails, the people are satisfied with
its operation, and not willing to relinquish it; yet there is no mem-
er of this body, that desires a shorter term to be proposed by the
Convention for adoption by the people of Pennsylvania. There is
no considerable number, if indeed there be any at all, that advances
crazy ideas on the subject, unless it be deemed insanity to agree
with the common sense of mankind, and to approve of the institu-
tions long practised and approved in divers States, and in divers
ages. Such views may be deemed crazy by those who, knowing
little of history or experience, think a thing good or bad, accord-
ing to whether it was practised or was not practised on the form of
their father. Such men judge of insanity, like the man in the Hospital,
who declared all the rest of the world insane, and himself alone, of
sound mind.

There has been this morning, some gentle reproof against check-
ing the freedom of debate and maturity of discussion. He (Mr. E.,)
coincided with those views. He had, in the making of the rules, supported the proposition of the gentleman from Montgomery to
restrict the application of the previous question, because he knew
there was danger that gentlemen, after having expressed their own
views, might think a subject sufficiently discussed, and inconsider-
ately restrain the expression of the sentiments of others. Yet while
he desired the utmost opportunity for full discussion, he thought that
such discussion should, in the first place, be directed to those great
points of reform which the people had in view, when the Conven-
tion was called: that it would be better not to force members into a
discussion of that for which they were not prepared, and about which
their conclusions would depend on what should be done in other
parts of the Constitution. The only gentlemen who had suggested
the policy of conviction on impeachment by a mere majority of the
Senate, had stated that this would be the case with them. They had
said they were unprepared to vote on this article, before they knew
whether other remedies would be provided; and for his part, he
desired that they should be indulged; and he desired that the merits
of the proposed reforms of the Constitution, should be examined in
preference to those of our Minister at Petersburg, and our United
States Senator at Washington.

Something had also been said of the propriety or inpropriety of
introducing the judiciary into the consideration of this article con-
cerning impeachments. He believed that all the impeachments in
this Commonwealth had been of judicial officers, and hence the ques-
tion of the sacredness and infallibility of the judiciary, had some con-
nection with this article. However that might be, it had first been
introduced, in this connection, by the conservatives; and they could
not justly censure others for replying to their observations.

It was said that two members of the convention had declared that
the present Constitution was entitled to no particular respects. He
as one of those two had not wished to assail unnecessarily the present
Constitution, nor those who made it; but those who were against
altering it, had, in the first place, proclaimed on this floor, that they
reverenced the instrument and its authors. They could not then be
surprised that others, before bowing down to their idol, should ex-
amine its claims to reverence. On this subject he would refer to an
additional piece of history—that of the attempt in 1783, to introduce a
Constitution like the present, when a protest was made, signed by
John Smiley, William Findley, and other members of the Council of Censors, in which they said what experience has since proved, that the proposed Constitution would ‘introduce new and aristocratical ranks,’ such as the life judges, of whose sacredness we had already heard so much, and ‘an executive magistrate with powers exceeding the ordinary lot of kings.’ The result of that proceeding was that 18,000 citizens proclaimed against the change, and less than 300 in favour of it. It was therefore abandoned for that time, but was effected afterwards by stratagem, without regular authority from the people.

The question is again and again agitated here, whether a majority of the people desire the amendment of the Constitution. That is a question for each gentleman to settle in his own mind. There is such a thing known among lawyers as prima facie evidence—good, title disproved. There had been a majority of 13,000 and upwards, for a Convention, which was good prima facie evidence, that the people were for it. But it was said that 40,000 did not vote on the question. If so, we might come to a conclusion, by the best evidence within our reach, as to the sentiments of the 40,000, and of the whole people. What was this evidence? The counties of Lehigh, Northampton, York, Berks, and Centre, which had given large majorities against a Convention in 1835, had now sent here delegates decided for reform; delegates who had avowed their sentiments before their election. They say that their constituents are for reform, and that there were peculiar reasons which governed their vote in 1835. Mr. E. believed, that at least three-fourths of the delegates of this Convention, were the open and avowed friends of reform, at and before their election, and that not more than ten were avowedly opposed to it when elected. Was this no evidence of the sense of the people?

What was the object of this constant agitation of the question, whether the people wished us to do anything? Could gentlemen expect to overawe the delegates of the counties above named? That was a vain hope. Could they expect to induce the delegates from Washington, Allegheny, Beaver, Warren, and Erie, where such strong majorities for reform were given, to desert the people, and to abandon their express or implied pledges? Every delegate who professed himself for reform, when elected, was as much bound, in morality, to support it, as if he had given bond to do so, signed and sealed. If the object be to show that we are bound to propose indiscriminate reforms, let us admit it, and let us come at once to the merits of those which have been long agitated; let gentlemen, then, on those points manifest those powerful talents, much vaunted in certain papers, which never admitted talents to exist, except on one side. Let them demonstrate, by reason, history, and experience, that their views were sound and conclusive. If we cannot maintain the contrary, let us fall at once.

The gentleman from Philadelphia (Mr. Chattooy,) had said, that he desired judges to be independent of the fear of men, and governed by the fear of the Creator. Suppose a judge should be appointed who should prove not to be of this stamp—suppose a man just and temperate when appointed, should become unjust and intempe-

Purdon’s Digest.

When the subject of the purchase of Purdon’s Digest was before the Convention, a debate ensued, in which Mr. Forward was misunderstood by the reporter. The substance of his remarks were as follows:

Mr. FORWARD said, the best history of every country was founded in its legislation. The most instructive monuments of the experience of this Commonwealth, were found in her statute book.

The Constitution had been in force for the period of forty-seven years; during which, the legislation of the State had been conducted with reference to that instrument. It is now made a question, whether a work which embodies that legislation upon all subjects of general concern, would be of any use to this Convention. He felt no difficulty in saying, that it must be useful. Enough had occurred to satisfy us that upon the subjects of corporations and religious societies,—without including others—the book in question, or some other book containing our general laws, would be a work of frequent reference; and he did not see how we could conveniently dispense with it. He was desirous of having the laws of the Commonwealth in his own desk, where they could be referred to without hindrance or delay. And if, at the close of the labors of the Convention, it should be determined that each delegate should retain the volume received by him, he would make no objection to it.

MONDAY, May 22, 1837.

Mr. HESTER offered the following resolution, which was read twice, considered and agreed to.

Resolved, That the minutes of the proceedings in committee of the whole, be read every morning, immediately after the reading of the journals of the proceedings of the Convention, unless the same shall be dispensed with, by a vote of the Convention.
Mr. EARLE offered the following resolution, which was read.

Whereas, some members of this body are desirous of discussing the question of the extent and ultimate limits of the powers of this Convention—and whereas, such question, however interesting and instructive, abstractly considered, has no necessary or proper connexion with the discussion of the amendments reported by the standing committees, inasmuch as the power to propose those amendments to the people, is entirely undisputable—and whereas, it would be highly inexpedient to consume the time of this body, during its regular sessions, upon subjects of a speculative nature, before agreeing on the principal practical reforms, which were contemplated by the people at the time of the calling of this Convention—Therefore

Resolved, That the use of this Hall, as far as this Convention has power over it, be granted, between the hours of four and six A.M., for three successive days, to those delegates who may desire to deliver public addresses or lectures upon the powers of this Convention, so that the same may be excluded from unnecessary introduction, during the regular business of each daily session.

Mr. DENNY moved, that the resolution be now considered, in order that it might be rejected at once.

Mr. READ called for the orders of the day, with a view, he said, to enable him to make a report from a committee, which, if he did not make now, he might have another opportunity to offer.

Mr. EARLE said, he did not wish the consideration of the subject at present.

SIXTH ARTICLE.

Mr. READ, from the committee on the sixth article of the Constitution, made the following report, which was read, laid on the table, and ordered to be printed.

Sec. 1. Sheriffs and Coroners shall, at the times and places of election of representatives, be elected by the citizens of each county; one person shall be elected for each office. They shall hold their offices for a term of three years, and until a successor be duly qualified; but no person shall be twice elected Sheriff, in any term of six years. Vacancies in either of the said offices, shall be filled by an appointment to be made by the Governor, to continue until the next general election, and until a successor shall be elected and qualified, as aforesaid. The certificate of the return judges, of the election of Sheriff or Coroner, shall confer all the powers herebefore conferred on Sheriffs and Coroners, by the commission signed by the Governor.

Sec. 2. In every county, having for the time being, five thousand or more taxable inhabitants, one person shall be elected clerk of each of the county courts of the proper county; and in every county, having for the time being, less than five thousand taxable inhabitants, one person shall be elected, who shall be clerk of all the county courts of the proper county; clerks of county courts, shall hold their offices for a term of three years—but no person shall be more than twice elected in any term of nine years.

Sec. 3. In every county, having for the time being, five thousand or more taxable inhabitants, one person shall be elected recorder of deeds and mortgages, and one person shall be elected register of wills and testaments; and in every county having for the time being than five thousand taxable inhabitants, one person shall be elected, who shall be recorder of deeds and mortgages, and register of wills and testaments, to hold their offices for a term of three years; but no person shall be more than twice elected in any term of nine years.

Sec. 4. One county treasurer, one county surveyor, and one notary public, shall be elected in each county, the treasurer for a term of two years, the surveyor and notary public for a term of three years; but no person shall hold the office of county treasurer more than four years in any term of eight years. The Legislature may provide by law, for the election of so many additional notaries public, in any city or county, as shall be deemed necessary. All officers elected under this section, and under the second and third sections of this article, shall be elected at the times and places of election of representatives.

Sec. 5. Justices of the peace or aldermen, shall be elected in the several wards, boroughs, and townships, for a term of five years.

Sec. 6. All justices of the peace or aldermen, whose election or appointment is not provided for in this Constitution, shall be elected or appointed as shall be directed by law; but no officer connected with, or appertaining to the system of internal improvements, shall be appointed by the Governor.

Sec. 7. A State treasurer shall be elected annually, by joint vote of both branches of the Legislature.

Sec. 8. All State officers created by law, except judicial officers, shall be filled by elections, by joint vote of both branches of the Legislature.

Sec. 9. Clerks of the county courts, county surveyors, recorders of deeds, registers of wills, and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers.

Sec. 10. All officers for a term of years, shall hold their offices for the terms respectively specified, only on the condition that they so long behave themselves well.

Sec. 11. All officers shall give such security for the faithful discharge of their respective duties as shall be directed by law.

Sec. 12. All commissions shall be in the name, and by the authority of the Commonwealth of Pennsylvania, and shall be sealed with the State seal, and signed by the Governor.

Sec. 13. No member of Congress from this State, nor any person holding or exercising any office of trust or profit under the United States, shall at the same time, hold or exercise any office in this State, to which a salary is, or fees or perquisites are, by law annexed; and the Legislature may by law declare what State offices are incompatible.

Sec. 14. The freemen of this Commonwealth shall be armed, organized, and disciplined for its defence, when, and in such manner as the Legislature may hereafter by law direct. Those who conscientiously scruple to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. 15. No person who shall hereafter be engaged in a duel, either as principal or second, shall hold any office of honor, trust, or profit, under the Constitution or laws of this Commonwealth, and the Legislature shall direct by law, in what manner the proof of having been so engaged, shall be established.
Mr. CHAMBERS, of Franklin, from the committee on rules, made the following report, explanatory of the rules, which was read.

The committee to whom was referred the seventh and thirteenth rules for revision, report:

ADDITIONAL OR EXPLANATORY RULE.

If the committee report that no amendment is necessary in an article, the report should be considered first in committee of the whole, and again in second reading. Amendments may be offered either in committee of the whole, or on second reading, whether the committee shall have reported amendments or not—and if no amendment shall be agreed to in committee of the whole, or on second reading, the existing Constitutional provision shall stand.

The report was laid on the table and ordered to be printed.

Mr. STEVIGERE not concurring, he said, in the report from the committee on rules, offered the following resolution, which was considered, read, and ordered to be printed:

Resolved, that the Constitution be referred to the committee of the whole for the purpose of amendment, in which each article shall be considered in such order as the committee may direct.

Resolved, that when any article of the Constitution shall be taken up in committee of the whole, the amendments which may have been recommended thereto by any committee, and each other amendment as may be offered by any delegate, shall be considered and decided thereon, after which such article, and the amendments thereto, which may be agreed upon in committee of the whole, shall be reported to the Convention, to be considered on second reading, after all the articles of the Constitution shall have been considered in committee of the whole. The same order shall be taken on all new articles proposed to the Constitution.

Resolved, that when any article of the Constitution shall be taken up in Convention on second reading, the amendments thereto, which may have been agreed upon in committee of the whole, and such other amendments as may be then offered by any delegate, shall be considered and decided on; and the amendments to such article which may be agreed upon on second reading (if any) shall be engrossed for his hour. If the debate, however, was to continue, this would be as convenient a time as any for it.

Mr. WOODWARD said he thought the gentleman was mistaken in supposing that an end would be put to the debate in half an hour. There were several gentlemen who intended, if the subject was resumed in committee of the whole, or on second reading, amendments may be offered either in committee of the whole, or on second reading.

The question being on the motion to postpone the orders of the day, Mr. STEVIGERE opposed it. If we went into debate now, an end to the question might be put in half an hour. If the debate, however, was to continue, this would be as convenient a time as any for it.

Mr. WOODWARD said he thought the gentleman was mistaken in supposing that an end would be put to the debate in half an hour. There were several gentlemen who intended, if the subject was resumed, to express their opinions upon it.

Mr. EARLE said, if it was true that further debate was to take place, it was unadventitious renown for the postponement.

Mr. DENNY mentioned, in relation to the Report on the first article, that the committee had not fully reported upon it.

Mr. BROWN of the county, moved to amend the amendment so as to take up the third article instead of the first, which was accepted by Mr. Earle, as a modification of his motion.

Mr. INGERSOLL opposed the motion to postpone. He believed, he said, that the subject of the article of impeachment, was by no means yet expended. The most interesting and important view of it had, if he was not much mistaken, been overlooked, in the fervor of debate.

The gentleman from York, who was always unassuming, had probably yielded his right to the floor, to the frequent suggestions in opposition to further debate, which he regretted, as he thought it highly important that any member who had the smallest disposition to address the Convention, should be encouraged (as was well suggested by the President the other day) to give us the benefit of his views. He advertised also, to some new matter which was introduced into the debate on Saturday, and as to which it might be the wish of some gentlemen to offer some remarks. He regarded a preliminary discussion on the question at large as indispensable, and it mattered very little whether it came up on the fourth or any other article. The gentleman who had protested against the discussion on the article, founded his objection to the debate on the fact that he was indifferent to the article, and thought some other ought to be.
first taken up and decided upon. He (Mr. L.) hoped, that if not on this question, then on some other, an opportunity would be afforded for a wide discussion on the Constitution as a whole.

Mr. CLINE said, he wished to see the question settled as to the extent and powers of this Convention; and as they had been brought into this debate, he hoped it would be continued.

'Mr. EARLE said, we had heard enough to convince us, that if we went into the debate, we should not get out of it for three months. He had heard, he said, a very good suggestion from the anti-masonic western member, as to our proper course of proceeding. It was to take up one of the articles upon which the people wanted an amendment, debate and settle it, and then adjourn and submit it to the people; after they had acted upon that, we could ressemble, and go on with another distinct amendment, and in this way, continue to settle the different amendments, until the six amendments which the people expected had been acted on. After these six points were settled, gentlemen might remain here and amuse themselves with discussions on abstract questions, such as whether we had our authority from the Legislature, or from the people, &c., and a thousand other questions, which never were, and never will be settled.

Mr. STEVENS said, some of the members of the Convention would have a duty to the people to perform in another Convention in a few days, and in the mean time, this debate could go on during their absence. This would, therefore, be the best time for the debate. The absent members might use a good many learned and very pretty speeches; but he apprehended they were sufficiently enlightened on the question to come to a correct conclusion in regard to it.

In regard to the gentleman's remarks about the amendments which he said the people expected and demanded, he did not believe, he said, that the people, or one in a thousand of them, wanted any amendments. The gentleman's own constituents, out of indulgence to him, might have consented to some, after his long and urgent importunity. None of the people were dissatisfied with the Constitution, unless it was some old fellows who had been sent to the Penitentiary, and did not like that. The great body of the people were well contented with the Constitution as it was. He suggested that the debate could be more conveniently continued now, than at any future time, as several members would be absent for a day or two. When the next amendments was taken up, they would all be present.

Mr. INGERSOLL rose, he said, to ask the yeas and nays on the question; because he wished to have it settled whether the course of the Convention was to be governed with a view to the convenience of members who wished to attend another Convention.

Mr. STEVENS remarked, that he was in hopes the gentleman, when he rose, intended to move an adjournment, in order to give the use of this hall to a more important Convention.

Mr. BROWN of the county of Philadelphia, hoped a decision of the question would not be urged at this time, as the majority of the committee that reported the amendments, had said they reported it in consequence of the present tenure of offices. If that should be limited, they did not intend to urge its adoption. It was evident, therefore, that neither those gentlemen, nor others who agreed with them in sentiment, are prepared at this stage of our proceedings, to for ascertaining the extent of our power: until then he thought it better to waive the discussion of this question.

Mr. FORWARD rose, he said, to notice a remark which had been made as to the power of the Convention. He saw no reason for starting that question in a debate upon an article in regard to which our powers are admitted to be ample, for no one doubts our power to propose an amendment of this article, nor does any one question the general power of the Convention to argue upon amendments of the Constitution. Subjects might be brought before us which would raise this question, and when they should come under discussion the extent of our power could be considered; but until a subject of that kind shall appear, a discussion of the matter of power is out of place. A resolution has been offered by a delegate from the county of Philadelphia, on the subject of the Bank of the United States: when that resolution should come up for discussion there would be an appropriate occasion.

Mr. WOODWARD wished it to be understood, he said, that if the motion was negatived, and the Convention went into committee, there were several gentlemen who would be ready to discuss the power of the Convention, and also the question whether the people of Pennsylvania ever decided in favor of a change of their Constitution at all. He could not agree with the gentleman from Allegheny, that these topics ought to be reserved for a future occasion, and the reason was this; the President of the Convention had declared that the people had never agreed to any change. This declaration from so high a source, had gone forth, that this Convention was assembled in opposition to the popular will, or not in conformity with it. If the Convention was not held in accordance with the popular will, he, for one, would refuse to sit any longer as one of its members. Another gentleman maintained that the powers of the Convention were limited; and this position he then felt disposed to make some comments upon, and to enable others to do it. He would be willing to postpone the order, but, if the motion were lost and we went into committee of the whole, then, the topics presented by the President, and by the respectable and venerable gentleman from Philadelphia, Mr. Chauncey, would be discussed.

Mr. PRNITY thought, he said, that our friend from the county of Philadelphia, in his attempt to restrain debate, had been rather unfortunate. We should perhaps have been within a half hour of getting out of the discussion, by this time, if he had not interfered his motion.

If we went at all into committee of the whole, we should have the same range of discussion, whether it was upon the fourth, or the first, or the third article. How had we got into debate on the fourth article? We were in committee of the whole, and then it is not usual to restrict the discussion within any narrow limits.

He, as chairman of the committee of the whole, felt neither disposed nor authorized to impose any gag law upon the gentleman. We had come here, for the purpose of discussing, in a friendly and temperate manner, the various questions connected with the Constitution; and, in this land of freedom and free discussion, the greatest latitude ought to be allowed that was consistent with order. He thought the motion would not be granted.
CONVENTION PROCEEDINGS.

(Continued from Monday.)

Mr. CHAUNCEY would not, he said, have troubled the Convention with a word of remark, but for the observations which had been made on what fell from him on Saturday. He had heard it frequently said that we were bound by the law under which we were assembled to make amendments to the Constitution. In this he had replied that the Legislature had gone farther than had been required by the people. He had referred to the first act of the Legislature on the subject, which limited the powers of the Convention, and required of it no amendments, except those which they might see fit to propose. He submitted whether this was a sufficient foundation for the suggestion that the power of the Convention had been brought into question. Was this a sufficient foundation for the suggestion that the Convention should make amendments to the Constitution? This question, however, he would be perfectly willing to go into on this or any other occasion when it might be brought up. He had stated what was the voice of the people, as heard through an act of the Legislature.

Mr. FORWARD said there appeared to be a misunderstanding as to what had been said concerning the powers of the Convention. The President did not say that this body could not deliberate and decide upon every question proposed here; but that they had the right to deliberate and finally to decide according to their best judgments. Did any deny this, or ask for the Convention a greater power? When gentlemen insist that the people demanded this or that amendment, he would call for their authority for this statement.

Mr. BANKS inferred, he said, from the remarks of the gentleman from Allegheny, that even he questions the powers of this Convention. He, Mr. B., had no doubt that we had the right to deliberate upon all the questions proposed to us, and we might honestly differ in opinion as to the amendments which the people would accept. If the subject of the power of the Convention was to come up, we might as well hear the discussion now as at any time.

Mr. MERRILL would not, he said, have risen to make any remark, if the gentleman from Philadelphia county, (Mr. Earle,) had not undertaken to restrict the debates, and to threaten that, if we continued to discuss these questions, he would put a mark upon us; and he had put before us an insulting proposition, which he had promised to withdraw at some future period, if we behaved prettily, and would make him a bow; and if not, he would leave there, as a memorial against us. He protested against the authority assumed by the gentleman. If the Chair thought the discussion in order, and did not attempt to restrain it, was it for the gentleman to undertake to say that we were doing what we ought not to do, and leaving undone what we ought to do? If the discussion was dropped now, and hereafter taken up again, it would be difficult to say where it would end.

Mr. WOODWARD did not, he remarked, say that the President had denied the right of the Convention to discuss propositions made here. He could not have said so, because the President invited a full and free discussion on this and every other topic. What he said was, that the President remarked, that the people of Pennsylvania had never authorized a change in their Constitution, and this had gone out to the world. He was particularly anxious to impute nothing to the President which he had not said, because he was in a situation where he could not reply.

Mr. EARLE did not wish, he said, to check the freedom of debate on any subject. He wished to postpone the debates on abstract speculative points, till after the business of the Convention had been done, though it was not certain that he would attend those debates. It has long been known through the press, what amendments were contemplated and desired by them, and these matters he wished to dispose of at first.

Mr. Dickey here interposed, and asked if the gentleman from Philadelphia county had not spoken twice on this question.

Mr. EARLE said he had not since the modification of the amendment, did any deny this, or ask for the Convention a greater power? Whether the members from Philadelphia county were marked, and made the subject of unprovoked attack, when they first took their seats here.

The question being then taken on the adoption of Mr. Earle's amendment, as modified, it was determined in the negative. Yeas 29, nays 33.


NAYS.—Messrs. Agnew, Ayres, Baldwin, Banks, Barlow, Bannister, Bayne, Biddle, Bigelow, Bonham, Brown of Lancaster, Carey, Chambers, Chandler of Philadelphia, Chandler of Chester, Chamberlay, Clapp, Clark of Beaver, Clark of Dauphin, Clark of Indiana,
The Convention then resolved itself into committee of the whole, (Mr. Denny in the Chair,) and took up the fourth article, as reported from the standing committee.

The following section being under consideration:

Section 2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without a majority of the members present.

The question being on the motion of Mr. Dickey, to strike out the word "majority" and insert "the concurrence of two-thirds,"

Mr. BARNITZ said he had no disposition to detain the Convention. If he addressed it at all, it would be upon an individual point, and not the main point under discussion. If, therefore, no other gentleman proposed to continue the debate, he would decline the opportunity offered him to express his views on the subject.

Mr. WOODWARD said, if no other member was disposed to occupy the floor, he would make a few remarks upon an incidental question, but he would yield the floor to the gentleman from York. (Mr. Barnitz.)

Mr. BARNITZ would, he said, accept the offer so courteously made, and without embracing the wide field of debate that had been opened, would express his views upon one or two points connected with the question. The powers of the Convention, and the agitating question in regard to its authority affecting the U.S. Bank, had better be reserved for future discussion. But it was important, he thought, now to consider the terms under which the Convention was authorized.

He would confine his remarks to a view of the general powers of the Convention. It had been maintained that the people had left us no discretion; that they had determined upon change, and had imposed upon us the necessity of acts of radical alteration. In this was involved the question of authority. As to himself he acknowledged no such obligation, and he held no such commission. He was here to decide, according to his judgment, whether any change was necessary, and if he should determine any to be necessary, then it was incumbent upon him to submit the proposition to the people. This was, in one word, his view of our power; and, in this point of view, the question arose under what authority we acted. It had been said we acted under the authority of the people. With all his deference for the people, he was of opinion that we acted under the authority of the Legislature, as delegated to them by the people.

The two acts of the Legislature he considered as the authority under which he acted. If any gentlemen had any other authority he had not. There was no intention in these acts to forestall the action of the Convention; they referred to probable results. The second of these acts supposed that some amendments would be made as the case most probable, and its provisions are founded upon that expectation.

In regard to powers as between constituent and representative, they were of two kinds, one ministerial, containing special instructions which the representative was bound to obey; the other deliberative, giving to the representative the powers of discretion, deliberation, and judgment according to his own conviction. The latter was the kind of powers delegated to us. After we have deliberated and decided, we submit the result to the people, who reserve to themselves the right to confirm or reject our amendments, if any are made. To place the argument in its strongest point of view, he contended that under the powers conferred, it would be a perfect discharge of our whole duty to return the Constitution to the people without amendment, if the Convention should so decide. For himself he would not agree to such a report because he was disposed to reform to some extent, made necessary, he believed, from the long lapse of time and change of circumstance. If the Convention returned the Constitution to the people without amendment, their duty was complied with, if such should be their decision; and in that case there could be no further action, unless by the people commencing de novo.

He expressed his opinion that our first duty was to deliberate upon the Constitution as it is, and its several provisions; to consider the various amendments that may be offered, and to decide upon the expediency of retaining the one, or adopting the other, as we might deem most conducive to the interests of the Commonwealth.

These he believed to be our duties. If they were merely ministerial there would be no occasion for submitting our acts to the further judgment and decision of the people, which is reserved as a right to them.

But one argument more to sustain his positions, he would mention; it was this: This body have already decided, in regard to one article of the Constitution, that it was not to be amended. If this was a legitimate exercise of the power delegated, then the same decision might be made as to every other article, and of course to the whole Constitution.

One word more, and he was done. In the populous counties of York and Lancaster, which he represented as a Senatorial delegate, the vote against the Convention was strong and overpowering. If he was bound to regard the sentiments of his constituents expressed on that occasion, he would feel justified, like the gentleman from Lebanon, to return this Constitution to his constituents without amendment. He had, it is true, received suggestions from various sources, and through the press, on the subject of some amendments, which he respected accordingly; but nothing of instruction was offered, nothing of pledges required from him. But he felt himself here not merely representing his immediate constituents, but rather as a representative of the
Commonwealth, with all her important interests, as a member of this Convention, committed to his care and consideration, and in this more enlarged character in the exercise of his best judgment, in accordance also, as he believed, with public sentiment, he was disposed to join the friends of moderate reform, as it was termed, a reform not affecting the great and vital interests secured by the present Constitution, but such as the lapse of time and change of circumstances rendered expedient and salutary.

Mr. WOODWARD said, he did not affect to believe that he would add any thing to the weighty considerations already presented in regard to the fourth article, nor did he rise with that view. But he would make a few remarks upon that subject. He had no hesitation in saying, that as at present advised, he had no disposition to change that article; but in the further progress of the action of the Convention, he might have occasion to change his vote.

This two-thirds principle, was the principle which had obtained in England, and in the Constitution of the United States, and every State of the Union. The wisdom of the world seemed to have settled upon it. But, if we were about deliberating, for the first time, on a Constitution, he would so modify this clause, as to render it more compatible with our institutions; as a practical provision, it was entirely useless and inoperative, and probably would so remain until it was essentially altered. The punishment was so severe, that two-thirds of the Senate would never be united in favor of a conviction.

Mr. Woodward, after declaring himself opposed to the report of the majority of the committee on the fourth article, proceeded to consider the powers of the Convention. He agreed with the gentleman from Philadelphia, (Mr. Chauncey,) that in discussing this topic, it was necessary to recur to the source from whence the powers of the Convention had been derived. What, sir, is the source of our powers? Are they derived from the Constitution? Yes, but what limitation is imposed by the act? None. The Legislature could not impart to us any thing; and nor did the Legislature restrict or limit these powers. Mr. Chairman, we sit here in virtue of the authority of the sovereign people of this Commonwealth. The sovereign power has delegated to us our trusts. The source of our powers, is in that immutable principle of liberty recognized in the second section of our bill of rights. "All power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of those ends, they have, at all times, an inalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may think proper." Here, sir, in this reserved, guarded, and precious principle, I find the source of our powers. The people have never parted with their inalienable right to alter, reform, or abolish their government. The Legislature cannot impair nor control this right, in virtue of which, we are here assembled. Gentlemen seem to think, that the Legislature have controlled the call of this Convention. Every well informed man knows, that from 1825, large masses of the freemen of Pennsylvania annually petitioned the Legislature to provide for a call of a Convention. The people declared their grievances, and proclaimed their determination to exercise that inherent power, to which I have alluded, and with which they have never parted. In their primary meetings the people expressed their wishes with great emphasis. At length, sir, the Legislature yielded to the popular will, and made arrangements for embodying and expressing it through the ballot boxes. They passed a law to which the gentlemen from Philadelphia, (Mr. Chauncey,) and the gentleman on my right from York, (Mr. Barnitz,) have referred us as the source of our powers. What is the true construction of that act? It is entitled to an act "to provide for calling a Convention with limited powers;" but what limitation is imposed by the act? None. The Legislature could not impart to us any thing; and nor did they impose on their delegates afterwards to be chosen, one and only one limitation. This was, that the amendments should be submitted to them for their ratification or rejection. Their votes were cast "for a Convention to submit its proceedings to a vote of the people," and hence, the only limitation to our powers as a Convention to propose amendments. My idea of this act of assembly is, that it was only a mode adopted by the people for concentrating and embodying their will. This department of the government was chosen as the organ of the popular will, and the act is the voice of that organ. It was a mode of speaking adopted by the people for the occasion. They might have employed any other department of the government for the same purpose; or they might have elected delegates, and held a Convention, and reformed and altered the Constitution, without any legislation at all.

Some plan would have had to be adopted in such a case for securing the concord of action amongst the people; and this was well attended by this act of the Legislature. This was its object, its result: More, the Legislature could not do, and more than this, they did not attempt to do. I repeat therefore, that the powers of this Convention, whether more or less, are derived from the people in their sovereign capacity, and not from the Legislature. In the exercise of their inherent and inalienable right to alter their government, they have convened us, an extraordinary body, representing, with one limitation, their sovereignty, and not a constitutional and ordinary body, deriving our powers from any department of the government now established and existing.

Mr. W. then asked, what are our powers thus derived? We have power to amend the Constitution as we please, so that we do not violate sound morals nor contravene the Constitution of the United States. But the gentlemen from the city and from York, (Mr. Chauncey and Mr. Barnitz,) both insist, that we may restore the Constitution to the people, unamended,—and the former gentleman spoke of the "looseness" of his station in thus being permitted to return that Constitution, untouched, to the people. Sir, we are a reform Convention—assembled to amend the Constitution. This is our character. It has been impressed on us by the hand of the people, and we cannot, without infidelity to our trusts, change this main feature of the Convention. I deny, sir, that we can restore this Constitution to the people as it is. The people have decided the question of reform; they have decided by more than thirteen thousand of a majority of their votes, on a change of the Constitution. It is no longer an open question. It is not competent for us to violate the public will, so distinctly expressed, by refusing to amend the Constitution, in these
Nor can I agree with the learned gentleman from the city, (Mr. Channucy,) that the Legislature of 1836, misconceived the popular will in the preamble to the act passed the 20th of March, 1836; they recite that "Whereas, in pursuance of an act passed on the fourteenth day of April, one thousand eight hundred and thirty-five, the treasury of this Commonwealth, have, by a decided majority, determined that a Convention shall be held to propose and submit for their ratification or rejection, a new State Constitution; and whereas, it is incumbent on the Representatives of the people, promptly and without delay, to provide the means of carrying the public will into immediate effect."—Nor, sir, where is the mistake in this preamble? It speaks of "a new State Constitution," and so it will be, when the slightest alteration shall have been made. Alter it, and it becomes a new instrument—a new deed. Nor est factum, would be a bar to any responsibility that might be sought to be charged on the framers of the present Constitution. It ceases to be their deed, and will become "a new State Constitution," when one single feature of its present provisions shall have been changed. Well, sir, had not a "decided majority" determined on a Convention, as that act recites?

Another learned gentleman from the city, my venerable friend on the left, (Mr. Hopkinson,) some days since, declared that he never had seen the evidence, that the people of Pennsylvania desired a Convention to amend their Constitution, and this has been repeated more than once by the honorable President of this Convention, in debate. Yes, sir, the President of a Convention assembled to amend the Constitution, has declared and sent that declaration into the world, under the sanction of his high character, as well as of the exalted station he holds here, that this body is not convened in pursuance of the public will—that the people have never decided to change their fundamental law. If this be so, it ought to be known, and when this is shown to me, I will quit my seat and return home. But, sir, what is the argument by which this extraordinary assertion is sustained? It consists in a single fact. Forty thousand of the voters of Pennsylvania, did not vote for or against a Convention. It is to this that gentlemen constantly appeal, to sustain the assertion that the people of Pennsylvania have never decided to amend their Constitution. Let us examine it. Of those who did vote under the act of Assembly of 1835, to which I have alluded, it is not denied that a majority of more than thirteen thousand were in favor of a Convention. The gentlemen from the city, (Mr. Hopkinson and Mr. Sergeant,) did not in terms claim that the army of forty thousand men who did not vote, would all have voted against a Convention—not did they positively declare that so many of this number would have so voted, as to overbalance 1660 votes not polled. Of Washington county, where there were 1938 votes not polled. Of York county, where 1838 votes were not polled. Of Lancaster county, where there were 1838 votes not polled. Of Franklin county, where there were 1229 votes not polled. Of Allegheny county, where there were one thousand eight hundred and twenty-two votes not polled. Of Montgomery county, where there were the admitted majority in favor of calling a Convention. But though these gentlemen have too much good sense expressly to assert, that all or the greater part of the forty thousand who did not vote, were opposed to a Convention; yet the time, the manner and the emphasis of their statement of the fact, do leave, and I presume, are intended to leave the impression on our minds, that such would have been their vote. The fact is of no value to the gentlemen, unless they deduce this inference from it.
More than one half of the much talked of 49,000 votes are found in these counties, which are represented on this floor by gentlemen who are willing and ready to make some amendments. The rest of the 49,000 votes were divided among the other counties in smaller numbers, but from the sentiments of the districts to which they belong, I have a right to presume that a majority of them, at least, were in accordance with the popular will around them.

Now, I suppose the reason of so great a deficit in the Convention vote was, that from the strong indications which appeared in every part of the State favorable to a Convention, very many of our fellow citizens felt that the question was sufficiently settled without their votes.

In all elections where the result is clearly foreseen and confidently anticipated, the popular acquiescence to a considerable extent is manifested sub silentio. In such cases, very many votes are withheld which would have been cast had the issue been suspended in doubt. And I cannot help thinking that a large proportion of these 49,000 men, good and true, had they anticipated the unwarrantable inferences when the gentleman from the city (Mr. Sergeant) has drawn from the fact that they did not vote, would have been careful to have deprived him of all grounds for his remark, by pulling their votes for a Convention. In the county of Susquehanna, which I have mentioned, and that part of old Northampton which is now Monroe, I have some knowledge of public sentiment. I represent in part the latter county. It is in my district, and I know that in that section of the State, a very large majority of the people are favorable to reform. It will not do to presume, from their neglect to vote for a Convention, that they did not anticipate or wish for a Convention. Much less should gentlemen presume that these people will not vote to sustain reasonable and judicious amendments if we offer them such. And what is true of the people in that part of the State, is perhaps true of them in every part. I cannot doubt, if we offer to the acceptance of the people at large, the improvements in our Constitution which we have now the power of effecting, that they will, by a decided and overwhelming majority, sustain and sanction them. These, sir, are the views and the facts which have led me to question the accuracy of the statement so often made here, that the people never have decided on a change of Constitution. It is with great deference and respect that I at any time venture to differ from the gentlemen who have made this assertion, but on a matter so important to us as the right apprehension of the popular will, I must be permitted to come to my own conclusions from the facts before me.

And now, if I am right in supposing that a majority of thirteen thousand of the freemen of Pennsylvania, have distinctly declared for an amended Constitution, and that of the forty thousand citizens who did not vote, a majority, perhaps at least thirty thousand of them are in favor of the same thing—how is it, that gentlemen venture to assert on this floor, as the respectable gentleman from the city, (Mr. Chauncey,) has asserted, that we may give back to the people their Constitution as it is. Can he stop his ears against the popular voice? Can he raise his arm in defiance of the majesty of the people? Is he clothed with powers so "lofty," as to refuse to execute the verdict of the freemen of this Commonwealth? No, sir, we must amend the Constitution. The people have decreed it. They have sent us here to do it, and let us address ourselves faithfully and honestly to the work before us. They have not sent us here to deliberate whether the Constitution required amendment. Forty-seven years experience has taught them its defects, and they have resolved to remove them. I do not advocate an overthrow of our institutions. I would not remove one pebble from the foundation of our liberties—I would add new securities and throw around it new guards. I would not impair the solidity of the fabric, under which we have so long reposed—but I would remove some of its deformities. I am for rational, judicious, needed reform. Such reform as shall enlarge the rights of the many and multiply the securities of their liberties. Such reform as the people have demanded, and as they have a right to expect. If such reform, sir, should reach the bench, as another eloquent gentleman, also from the city, (Mr. Biddle,) feared the other day, it must take its course. I will not, as that gentleman did, draw the judgment into this discussion. The proper time for that subject is coming, and when it arrives, that gentleman will have to lay down energy and take up argument, if he would prove that to make a Judge independent, you must keep him in office for life, and add to his other great powers, the power of construing his own authority, and of extending it by construction ad litteram.

Mr. Chairman, I thank the committee for the indulgence of their attention. I have not frequendy trespassed on the time of the Convention, and shall not venture, hereafter, to speak on any subject unless duty to my constituents or myself imperiously demand it.

Mr. REIGART said, Mr. Chairman, if the gentleman from Luzerne, who had just taken his seat, had gone a few steps further, then he would have anticipated him in the remarks he had to offer; as it is, however, he said, he should be obliged to take a brief review of the political history of the present Constitution, the various attempts which had been made to revise it, and the failure of them; and then he would attempt to show what his conceptions were of the powers of this Convention; that in attempting to do so, he was aware, that the question before the committee was not what were our powers; the legitimate question is, will the committee agree to the amendment to strike from the 9th section of the 4th article of the Constitution, the words "two-thirds," and insert in lieu thereof, a majority." But inasmuch as the committee seems, so far as there has been any expression of opinion, agreed to reject the amendment; and inasmuch as the delegates from the city (Mr. Chauncey and Mr. President,) have thought proper to call in question the powers of the Convention, it seems to be due to the sources from whence the discussion has emanated, to endeavour at least, to come to some satisfactory conclusion on this subject. Sir, said Mr. R., the opposition to this Constitution seems to have been coeval with its existence. Immediately, or soon after its adoption, parties were divided into Constitutionalists and Anti-Constitutionalists; this cognomen, it is true, may have applied principally to the Federal Constitution, but it is no less true, if we believe the history of the times, that there always was a large portion of the people of this Commonwealth opposed to the present Constitution, not as a whole, but to some of its details. This opposition manifested itself directly and
tangibly in the year 1805. In the election of that year, the contest
for the Gubernatorial Chair, was between Mr. McKean and Mr.
Snyder, the former being the candidate of the Federalists and Con-
stitutionalists, and the latter, the candidate for the Democrats and
Anti-Constitutionalists. In this contest, Governor McKean was
re-elected by a majority of about 5000 votes. So, that there seems
more than 30 years ago, to have been very considerable hostility to
the present Constitution. It may, however, be said, and it is true,
there was no direct and immediate vote on the Constitution itself,
but it is no less true, that it was considered a test vote at the time, the
claims of the respective candidates to the suffrages of the people
turning on the point of their adherence or hostility to the present
Constitution. This being a matter of history, is given as such to
which all who wish to have the information in detail are referred.

We next find, that in 1808, when Mr. Snyder, as a candidate of
the Democratic party, succeeded in being elected to the Gubernatorial
Chair, the enmity against the Constitution, in a very great degree,
had subsided as the Anti-Constitutional party had succeeded in pro-
curing for themselves the distribution of the offices, honors, and
emoluments of the government. It was not, said Mr. R., his inten-
tion to attach blame to the Democratic party of that day. He be-
lieved that any other party, circumstances as they were, would have
just done the same thing; all that he intended to prove was, that there
had always existed a party in the Commonwealth, who from some
motive or other opposed the present Constitution. We next find
that in 1820, when the Democratic party lost the State govern-
ment by the election of Mr. Hiester, to the Gubernatorial Chair, that
they again became Anti-Constitutionalists. But it is due to them to
say that many of them remained so until 1823, when by legislative
enactment, in that year, the sense of the people was directed to be
by ballot for and against the Convention, at which election about
100,000 votes were polled, and which resulted in a majority of about
15,000 votes against the call of the Convention. From this period
the matter slept for a short time, but the slumber was not profound or
deep, it was restless and uneasy; the people again and again, (not
to be sure in mass,) kept up a kind of systematic petitioning to the
Legislature for the call of a Convention. Nor does it seem to have
been confined to any particular party; people of all ranks, classes,
and political professions, joined in this measure, the result of which steady perseverance was, in April, 1835, responded to by the
Legislature, by the passage of the act in that year, authorizing the
call of a Convention with limited powers; first, however, submitting
the question to the people, for their ratification or rejection, at
the exciting general Gubernatorial election of 1833, when it was
ascertained, that about 160,000 votes were cast relative to the call of
the Convention, and that the question was carried in favor of the
call by upwards of 13,000 votes. For Governor, about 260,000 votes
were cast. So, that about 40,000 of the actual voters refused to
vote, or were indifferent on the subject. Of this latter class, the
person who now addresses you was one; indeed, many good, wise,
and peace-loving citizens who did not vote, did so on the avowed
ground, (not that there are not some glaring defects in the present
instrument, not that it did not require amendment, not that it was not
susceptible of much improvement,) but the very great danger there
might be in submitting the whole instrument to a revision of any
Constitution. There are, sir, many parts of it to which the people,
said Mr. R., in his district cling with pure and holy affection;
they consider it, and very justly, as the great charter of their rights,
and that those rights are recognized and established by it; in a word
that it secures to them, beyond all control, their absolute rights; that
their personal liberty, personal security, and private property, are by
it placed beyond jeopardy. It is not wonderful then, said Mr. R.,
that a peace-loving, honest, and industrious community, such as
Lancaster county is known to have, should have given such a decided
majority against the call of a Convention. But, sir, if that highly
intelligent and highly industrious community could have had certain
amendments only submitted to them for ratification or rejection, the
result of the vote given in that county, there is great reason to believe,
would have been far otherwise; could they have been assured that
the aristocratic features of this Constitution only would be revised,
they would never have hesitated as to their course. But when the
single isolated question put, was, shall the Constitution stand, or
shall it fall? they gave a most decided vote against the call of a
Convention. Coming, then, said Mr. Reigart, from the quarter of
the State which he did, he came here not as a reformer, but as the
advocate of a salutary, judicious reform of such parts of the Consti-
tution as required amendment; not prepared to interfere with vested
individual rights, not to uproot the Constitution, not to destroy the
venerable landmarks of law and order, and throw all into confusion
and chaos; far different, indeed, were the purposes for which his
constituents had sent him here. He had been sent here by kind,
delugent constituents, without having been required, or giving any
pledge whatever. The only pledge which his constituents had, was
his previous life and character, having been known to them since his
infancy, and it was the only one he could or would give. But, sir,
we are now told that the Convention possess but limited powers,
and in aid of this construction the act of the 14th of April, 1835,
providing for the call of the Convention with limited powers, is cited.
This act, however, notwithstanding its tite, is in effect nothing more
than an act providing for the time and manner of ascertaining the
popular sentiment, as to the propriety of calling the Convention, and
is not in any way calculated to shed a ray of light on the powers
possessed by the Convention; and, said Mr. Reigart, we are here as-
sembled, in accordance with the wishes of a decided majority of the
people of the State, or what is the same thing, according to the
wishes of a decided majority of the people who voted on the sub-
psect, and are, therefore, according to the Constitution and laws of
this Commonwealth, the delegates of the good people of the State to
revise, alter, and amend their fundamental laws. He, for one, could
not agree with the highly respectable, learned, and intelligent dele-
gates from the city, who attempted to prove that the 40,000 citizens
who refused to vote, were to be counted on the side of the minority.
That he could subscribe to no such inference, nor could he subscribe
to the inference of the highly respectable delegate from Luzern,
Mr. Woodard, that they were to be counted with the majority of those who voted on the question. The only fair inference, as it seemed to him, that could be deduced, was, that they feared their votes might produce mischievous effects, or that they were indifferent as to the result, or perhaps, what might have been the case with many, that (as the question was not discussed in the public journals,) they had forgotten to vote, or had forgotten, if ever they knew, that such a question was submitted to them for their action.

Sir, said Mr. R., it has been said that the act of 29th, March, 1836, calling on the people to elect delegates to the Convention, was not authorized by the act of 14th April, 1835. Perhaps it was not: the preamble to the act as well as the act itself, may, and probably does contain some assumptions, not warranted by the previous act, and not in any manner sanctioned by the people, except indeed by them through their immediate representatives who passed the acts. But, sir, we look to both, or either of the acts in question for a definition of our powers, and it is highly questionable, and worthy of all consideration, whether the Legislature had any power whatever, to limit the powers of this Convention, were there a limit prescribed in the latter act. It is a matter of great doubt indeed, whether a combination of the Legislative and Executive branches of the government could limit our powers, where then do we look for a limitation of our powers? On this subject, Mr. R. said he was inclined to adopt the argument used by his friend, the delegate from Luzerne, (Mr. Woodard,) who referred to the second section of the ninth article of the Constitution, that the people had referred the entire Constitution to us, for our consideration, to alter and amend, as we thought proper; subject, however, and reserving to themselves the right to ratify, or reject the alterations and amendments which we might propose to them; as to the right of the Convention to alter and amend without limit he did not doubt, and as to the right of the Convention to adjourn without making or proposing any amendments, he also had no doubt; the fact and the truth seemed to him to be, that the powers of this Convention, so far as relates to the proposed amendments to the Constitution, were unlimited, except indeed, so far as those amendments might interfere with previous vested rights, or conflict with a higher authority in another quarter, (the Constitution of the United States.)

Mr. R. also said, as to the propriety of making certain amendments, neither himself, and he spoke, he thought, the sentiments of some of his colleagues, when he said they were not excessively conservative: for himself, he had heard many and frequent complaints against the immense patronage of the Governor; from his earliest youth he had been taught to believe it an evil of no ordinary kind: the great and inordinate love of office, which pervades every rank and class of the community, renders the situation of the Executive any thing but enviable, and, as it seemed, to him, a power that any Executive would gladly dispense with. He said that he came prepared fully so to vote for the abridgment of Executive patronage, so far as respected the appointment of county officers, Prothonotaries, Registers, Recorders, Clerks of courts, &c., and to give it to the people, to whom it legitimately belongs. This opinion he had long entertained; it had grown with his growth, and strengthened with his strength; this, he said, was one of the subjects of amendment on which he had made up his mind; it is true he was still open to conviction, but it would require very cogent argument to convince him of his error in this particular; he felt convinced, notwithstanding the majority given in Lancaster county, against the call for a Convention, that his constituents would sustain him in this vote; his constituents, he said, feared evil amendments, but were prepared to go for good ones, and he hoped they would be agreeably disappointed. On the subject of the judiciary, however, he said his constituents were quite conservative, and he felt so himself; he was willing to sustain the judiciary as at present organized, and would go that way; but as to executive patronage, he thought he had made up his mind, and he did not agree with his colleague, (Mr. Barnitz,) when he said that he thought that his constituents required no amendment.

He (Mr. R.) thought that the people expected some alteration, and if his colleague restricted to York, it is his own immediate district, he might be correct, but he thought the people of Lancaster, part of the Senatorial district, did expect some amendment; but he cautioned delegates against submitting too many amendments to the people, as such a course might result in the rejection of all. Mr. Hopkinson of Philadelphia remarked, that the gentleman from Luzerne, in the course of his argument, had undertaken to controvert a position that the 40,000 votes which were not polled on the question of the Convention, should be set down against its. The gentleman had referred to him as the first that assumed this position, but he was mistaken. He stated on a former occasion, that the 40,000 who refused to vote were indifferent on the subject, and he appealed to the Convention, if it was not generally true, that those who refused to take sides in any controversy, were not fairly considered as indifferent. The gentleman from Luzerne has put the 40,000 down as favourable to an alteration in the Constitution, on the ground of public opinion, gathered from the delegates from those counties which gave a majority against the call of a Convention. He said that he respected the opinions of the delegates, but thought that they ought not to be taken as evidence of the popular will, against the decision of the ballot boxes. He said that he could not take the private opinions of individuals, when such counties as old Northampton had, by a majority of 2800, voted against the call of a Convention. Every one knew how easily it was for individuals to be mistaken, especially in relation to the popular will. During the heat of a canvass for Governor, individuals were apt to believe what they desired. Ask a politician what the public sentiment was in a particular quarter, and he would reply, that the candidate of his choice would have such a majority here, and such a majority there; but when the vote was taken, they were mistaken, there was a majority nowhere. The fact is, the voice of the people could not be mistaken at the polls, while individual opinions of the popular will could not be relied on. An individual supposition of the voice of the people—what is it? It is a mere echo among the rocks—it is one’s voice and it is another’s voice, but when the truth is known, it is his own voice. He knew of no voice of the people, unless through the ballot box. The question before the people was “Convention or no Convention?” and no other question. Those who
voted for a Convention, gave no instructions. They were willing
that a Convention should be held; that as many thought that alterations
might be made, which would be beneficial, they would send
delegates here to consult opinion, and take up the Constitution, line
by line, and if then deemed advisable, to make alterations, but if not
to leave the Constitution untouched. It seemed to him, that if this
was not the case, very few honourable men would have consented to
come here as delegates. It would have been like coming here with
instructions to make changes, whether, upon consideration, the Con-
vention believed them right or not.

The course of this debate was singular: gentlemen commenced
their speeches by stating that they should not confine their remarks
to the subject. The argument of the gentleman from Luzerne had
taken a remarkable turn. He had said that the powers of the Conven-
tion were unlimited, with the exception of submitting its pro-
ceedings to the people, while he contended that it was instructed to alter
the Constitution. Suppose, upon reflection, the Convention
should find no article that the members, in their consciences, believed
ought to be altered; were we obliged to select one for a sacrifice, and
to be told that we must do so because the money of the people had
been spent by the Convention? On the same principle, if a number
of persons were brought before a court of Oyer and Terminor, and
nothing proved against them, some one, although innocent, must be
convicted, because the money of the people was expended in keeping
up the court. Some gentleman had told us about the anxiety of
the people to make alterations. He had hardly seen a question agi-
tated in which there was so little public feeling. No petitions or
memorials crowded our tables, with the exception of one against
Banks, from Erie, signed by 30 or 40 individuals.

Mr. INGERSOLL rose, and commenced a speech, but soon gave
way for a motion for the committee to rise for the purpose of adjourn-
ment, when the committee rose and obtained leave to sit again to-mor-
row, when the Convention adjourned.

TUESDAY, May 22d, 1837.

Mr. EARLE moved to correct the Journal, in respect to the reso-
lution which he offered yesterday. He withdrew that resolution,
and, of course, it ought not to appear on the Journal.

Mr. COX stated, that the gentleman could not withdraw it, at the
time when he asked leave to withdraw it, because another motion
was pending.

Mr. EARLE said, he withdrew it, without asking leave.

The UNANIME decided that the Journal was correct; and stated his
reasons therefor.

Mr. EARLE withdrew the motion to correct the Journal, remark-
ing that if any gentlemen wished to put the resolution where it was,
he was willing that it should remain. If it was obnoxious to any
member, he would be disposed to withdraw it.

Mr. PORTER arose and said, Mr. President, I beg leave to pre-
sent to you, and through you, to the Convention, the memorial of the
weekly meeting of the Society of Friends, in the Commonwealth,
praying for relief from the burdens imposed upon them under the
existing Constitution, by reason of their conscientious opinions.

The Society of Friends embraces a large number of the most
social, moral, intelligent, and industrious inhabitants of this Com-
monwealth. Men proverbial for their integrity, public spirit, charity,
and hospitality; whose pure and disinterested benevolence and phi-
lanthropy have filled the commercial capital of this State with instit-
utions which adorn humanity, encourage learning and useful know-
ledge—foster and improve science—provide for want and distress—
afford comfort, medicine, and attendance to the sick, the afflicted, and
the destitute—teach the dumb and the blind, as it were, to speak
and to see—afford the opportunity for reformation and restoration to
virtue and respectability to the fallen—and who, in fact, have either
founded, or greatly aided in sustaining all the noble charities which
have placed Philadelphia so pre-eminently above all the cities of the
world, and reflected on our Commonwealth no small portion of the
character which she bears.

The illustrious and almost prophetic founder of Pennsylvania,
himself a Friend, who had suffered persecution and imprisonment for
conscience sake, laid the basis of all those liberal principles, which
have stamped greatness upon almost every thing pertaining to this
Commonwealth, and have made her second to none in the American
Union. The effect of the principles, character, conduct and example
of these people, has not been alone confined to your cities; they are
felt throughout the State; and it may truly be said of them, that none
are more enterprising merchants, more industrious and prosperous
farmers or mechanics, or better or more peaceful citizens and neigh-
bours than they.

The claims of such a body of citizens are entitled to be received
with respect and treated with due consideration. There are mem-
bers of the society, holding seats in this body, to whom I had sup-
posed the presentation of the memorial would have more appropriately
belonged, but with a delicacy which I perfectly appreciate, and
which is characteristic of them, they have declined doing so, as it
is their own cause, their own petition, and I have been asked to per-
form the duty, which I do with great cheerfulness. Without commit-
ing myself as to the course which I may ultimately pursue, I may be
permitted to say that, not belonging to the society myself, nor holding
their peculiar doctrines on the subject of bearing arms, I respect the
conscious feelings by which I know they are influenced, and it is
duty as well as a privilege thus in some measure to acknowledge, if
not to repay the many acts of kindness conferred upon my parents
and myself by our nearest neighbours and most respected friends,
who were of that society, and the individual obligations under which
I personally labor to more than one of that respectable society, when
a youth and away from home, labouring under sickness and afflictions,
and when they extended to me all the care and kindness I could have
asked or expected under a parent's roof.
CONVENTION PROCEEDINGS.

Continued from Tuesday.

The memorial of the yearly meeting of the society of Friends in this Commonwealth, praying for relief from the burdens imposed upon them under the existing Constitution, by reason of their conscientious scruples, was then referred to the Committee on the ninth article of the Constitution, and ordered to be printed.

Mr. M'Cahen submitted the following resolution, which was read:

Resolved, That the committee upon the currency, corporations, &c. be instructed to report a new section to the Constitution prohibiting the Legislature of this State from incorporating any banks or other institutions, with authority to "emit bills of credit," or any thing for the payment of debts other than gold and silver.

And that the said committee be further instructed to ascertain if it is in the power of this Convention to make such provision as shall forever annul and extinguish the charters of banks heretofore granted by the Legislature of this State, that shall refuse gold and silver in payment of their debts.

Mr. Russell said the committee on the subject of the currency was prepared to report this morning, and move to be discharged from the subject.

Mr. M'Cahen said he was willing the resolution should lie on the table for the present, until the committee had reported. The resolution was laid on the table, and ordered to be printed.

Mr. Purviance, of Butler, had leave of absence, for a few days, from Thursday next.

Mr. Gierhart, of Northumberland, had leave of absence for a few days, from to-morrow.

Fifth Article.—Majority Report.

Mr. Hopkinson, from the committee on the fifth article, made the following Report, which was read:

That they have considered the several sections, and the injuries and provisions contained in said article, and that they have deemed it expedient to submit to the Convention the following amendments in relation to the same, and no other, viz: That the same be amended by striking out the fourth section, and the said article be further amended by striking out the tenth section and inserting in place thereof the following:

"The justices of the peace shall be chosen by the qualified voters in such convenient districts in each county, at such time and in such manner as by law may be provided, so that these shall be one justice of the peace in every such district containing not less than fifty taxable inhabitants, and that there may be chosen as aforesaid an additional justice in every such district for every one hundred and fifty taxable inhabitants in said district, exceeding one hundred, and such justices shall hold their offices for the term of five years from the time of their choice as aforesaid, except those first chosen under this amendment, who shall be classed as by law may be provided, and in such manner, that one equal fifth part of the said justices in the several counties, shall go out of office annually thereafter. The said justices shall be commissioned by the Governor, and may be removed by the Governor on conviction of misbehaviour in any office, or of any infamous crime, or on the address of the Senate. And the said justices shall give security to the Commonwealth for the faithful discharge of the duties of their office, in such form and manner as the Legislature may direct."

Mr. Hopkinson moved that the report be made the order of the day for Monday next.

An objection being made, Mr. Hopkinson said, no matter what question was taken up here, it ran into a discussion on the Judiciary. The life tenure was a perpetual stumbling block in our way; and he thought the sooner it was disposed of the better. The field would then be clearer for other matters.

Mr. Sterigere. No report had yet been made the order for any particular day. The reports of the committees had been laid on our table to be taken up whenever the Convention thought proper, and he did not know that this report should have a different disposition. If it was made the order of the day, for Monday, some other business might come up and push it by, and it would then be on a worse footing than if it had not been made an order, unless made the special order of that day. There was perhaps, no article of the Constitution, which it was so generally agreed should be changed, nor was there any one so difficult to amend, to be satisfactory, or which gave rise to so many schemes. The committee had been a long time in making up their minds about the amendment they proposed, and might be able to act on their report on Monday. He thought the other members of the Convention would not then be prepared to act, and ought to be allowed longer time, and that it would be best to lay the report on the table, to be taken up whenever the Convention was ready to consider it.

Mr. Chambers, of Franklin, said, as this subject was one of interest, and great interest, and constantly receiving informal notice, in every debate, he hoped it would be made the special order for Monday next.

The motion to make the report the special order for Monday next, was agreed to—yeas 76.

Minority Report.

Mr. Woodward, from the minority of the same committee, made the following Report, which was read:

The subscribers, a minority of the committee on the fifth article of the Constitution, respectfully report:
That they concur in the report of the majority of said committee, as to all the sections of the said article, except sections 2d and 4th. The subscribers recommend the amendment of the 2d and 4th sections of said article, so that the same may read as follows:

Sec. 2. The Governor shall nominate by message in writing, and by and with the advice and consent of the Senate, shall appoint the Judges of the courts established by this Constitution, or which now are or hereafter may be established by law. The judges of the supreme court shall hold their offices respectively for the term of ten years, but may be re-appointed. The president judges of the several courts of common pleas, and the judges of the several district courts, and of such other courts as now are, or hereafter may be established by law, shall hold their offices for the term of seven years, but may be re-appointed. The associate judges of the several counties shall hold their offices for the term of three years, but may be re-appointed. For any reasonable cause, which shall not be sufficient ground of impeachment, the Governor may remove any of the said judges on his own motion. Whenever the promise is by law made equal to the fact, the promise, and any successor thereto, shall receive no fees, traveling expenses, per diem allowances, or perquisites of office, nor hold any other office of profit under this Commonwealth: Provided, that after their continuance in office, the said judges shall, at stated times, receive for their services adequate salaries, to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees, travelling expenses, per diem allowances, or perquisites of office, nor hold any other office of profit under this Commonwealth: Provided, that after the ratification and adoption of this Constitution, the Governor shall, by and with the advice and consent of the Senate, re-appoint one of the then existing judges of the supreme court, for the term of two years, one of them for the term of four years, one of them for the term of six years, one of them for the term of eight years, and one of them for the term of ten years; and whenever any vacancy occurs in the bench of the supreme court, by the death, resignation, or removal of any judge thereof, the Governor shall, in the manner aforesaid, fill such vacancy by the appointment of a judge for the unexpired term of the judges so deceased, resigning, or removed.

Sec. 4. This Commonwealth shall be law, divided into convenient judicial districts. A president judge shall be appointed for each district, and two associate judges for each county.

The president and associate judges, any two of whom shall constitute a quorum, shall compose the respective courts of common pleas.

G. W. WOODWARD,
JOHN G. BARCLAY,
O. J. HAMLIN,
ROBERT FLEMING.

On motion of Mr. HOPKINSON, the reports were made the special order for Monday next.

This report was ordered to be printed together with that of the majority, with and under the special order for Monday.

CURRENCY AND CORPORATIONS.

Mr. RUSSELL, of Bedford, from the committee on currency, corporations, eminent domain, &c., made the following Report:

MAJORITY REPORT.

The select committee to whom were referred "the subjects of the currency, corporations, the public highways, and eminent domain of the State," respectfully report to the Convention:

That they have had these subjects under consideration, and that, in the opinion of the committee, it is unnecessary and inexpedient to make any alteration, addition, or amendment to the Constitution therein, other than those embraced in the report heretofore submitted by the Chairman; and ask to be discharged from the further consideration of the subjects and documents referred to them.

J. M. RUSSELL,
C. CRUM,
WALTER CRAIG,
M. W. BALDWIN,
WILLIAM L. HARRIS.

MINORITY REPORT.

Mr. INGERSOLL of the county, from the minority of the same committee, made the following report, which he read from the clerk's table.

The minority of the special committee to whom was referred the kindred subjects of currency and corporations, respectfully report That each of these subjects deserves a full and distinct exposition. But the information of this convention, the practical intelligence of the community, and the special warning of this deplorably instructive crisis render much argument unnecessary. They submit amendments to the constitution on each of these subjects, with the following explanations:

First, of the currency: — When the present Constitution of the Commonwealth was adopted, the currency of all these confederate states had already been confided to the General Government, which is empowered by the Federal Constitution, to regulate commerce, as well foreign as among the several states; to coin money, regulate the value thereof, and punish counterfeiting it. By that Constitution, likewise, the states surrendered all power to coin money, emit bills of credit, or make any thing but gold and silver a tender in payment of debts.

Sore from the evils of paper money which the exigencies of the Revolution extorted, the funding of whose greatly depreciated obligations was one of the first causes of discontent and division between the speculating and substantial classes of the new American nation, any other standard of value than the precious metals, was earnestly deprecated at the outset of American Government, by all the prudent, the patriotic, and the industrious; and was supposed to be guarded against by adequate provisions. For there is no other standard. There can be none. Every attempted substitute is delusive, if not fraudulent; a snare by which industry, morality, private property and public prosperity, all suffer alike. The effort to coin money out of paper, is as absurd as all alchemy. Nothing can make a promise on paper pay a dollar equal to the actual payment of a dollar; and whenever the promise is by law made equal to the fact, the promise, thus privileged, unjustly gains at the expense of all others not so privileged. Great commercial operations are doubtless accommodated by the use of paper, as the substitute for coin, and the credit system, as it is called, has its commercial conveniences. But all paper not immediately convertible into coin, is of no value, and its credit is merely fictitious. The use of it is like substituting ardent spirits for solid food as the sustenance of life; intoxicates, and ruins.

The reason now much urged against hard money, since paper has been striving to supplant it, that there is not enough for a circulating medium, is the very reason: for its being the exclusive standard. It is their scarcity that renders gold and silver the only true money. Iron is more valuable for the useful arts, than either of them, but because it is too plentiful, therefore it is not a standard; and whenever money is so plentiful as to depress its value, it becomes an evil. When a pair of shoes cost an hundred dollars of continental money, it is more inconvenient to the seller and buyer, than if they cost one dollar in silver; and if that dollar be reduced to gold, it is a still greater accommodation. Gold is better than silver; silver than copper, and copper than paper, because of this relative scarcity: that no scarcity of gold and silver affords any reason for superseding them by a paper circulation. The shocking vices of an convertible paper medium are too familiar to all experience.
They have cost this country more than all its wars. They were the greatest difficulties of the Revolution, and they are at this moment the most oppressive by far, of all the public burthens. They have caused a calamitous convulsion. Accordingly the constitution of this state, that of all the other states, and of the union of the whole, are all predicated of a metallic currency: and all the fundamental acts of Congress concerning the impost and the mint; in short, the whole groundwork of the federal government, is entirely laid on that foundation; and the paper superstructure since raised, whether by the several states or the United States, is an unforeseen usurpation.

When the first Secretary of the Treasury, after a struggle still severer than that which introduced the stocks of the funding system, superadded the fiscal convenience of a national bank, he did not design or expect a paper currency to take the place of gold and silver. On the contrary, public records, the laws, treasury reports, and other state papers of that period, attest that gold and silver, and really convertible paper, were the only acknowledged circulation.

The bank of North America, re-established by a law of Pennsylvania before the present constitution, after its charter had been annulled by laws both of the United States and this state, was the only American bank at that time, unless there was one other in New England, of which your committee are not precisely informed: there were, in effect, no banks. But soon after the establishment of a bank of the United States, a new and unprecedented experiment was made by the incorporation of state banks, which have since continually increased in numbers and issues, till their paper has become nineteenth of the circulating medium, and last expelled gold and silver from circulation. The prevailing opinion has been that their notes, when not made legal tender, are legal currency, and the supreme court of the United States having lately so determined, we must deal with them as such.

Thus, since that constitution was adopted, which this convention is to revise—a power unprovided for by it, and no part of its frame of government—a power which controls value and regulates price, unforeseen by either federal or state constitutions, has grown upon both constitutions, become one of our most important institutions, and demands the serious consideration of a body convoked to reorganize a government to be submitted to the people for their approbation.—

This power is not only a direct emanation of the sovereignty, but that portion of it which government hitherto has seldom if ever parted with. It is one of its highest, if not inalienable attributes. The value of all property depends upon this power. The wages of industry are fixed by its agriculture, commerce and manufactures, all the useful arts, the comforts of life and the common welfare, the public loans, debts, and credit are under its control. The condition of the currency, regulates the condition of every thing else. The currency is the life’s blood of the body politic; which cannot be healthy but when that is sound, and must be discontinued whenever that is diseased.

Fortunately for the regulation of the currency, the simple truth is practically familiar to every labourer, to every child, that bank notes, when not forthwith convertible into gold and silver, are good for nothing. Your Committee feel painfully relieved from the necessity of proving this reality, by the prevailing recurrence of one of those periodical convulsions, which have grown-in frequency and intensity, with the spread of the paper system. If public sentiment should advance as rapidly for a short time to come, as it has for a short time past, toward a correct understanding of this subject, the evil, though deeply rooted, will be at least much alleviated, if not altogether removed. At this moment, the farmers, mechanics and others who rely on industry and prosperity, without dealing in false credit and trusting to paper facilities, are free from trouble, with plenty of hard money; which can more easily be obtained; and probably feel the storm raging in the provinces of speculation; while there is intense distress wherever banks, stocks, credit and speculation predominate. Panic and politics exaggerate the suffering; but there is no doubt much of it: many deserving a better fortune, are involved in the ruin of those, who, without either property or industry, gambled on borrowed credit, and are now the most clamorous, as they are the least deserving, to be relieved. Instead of imputing their difficulties to false credit, they charge them to government; whose only misconduct has been, that both the states and the United States did not sooner interfere, and more strenuously urge the restoration of the metallic currency; for the calamities and the complaints of 1819 were just like the present; and those of 1825 much the same; and so they will continue while the sovereignty is shared with a few interested individuals, whether sole or incorporated, enjoying the power of substituting paper for coin, and making anything precious or scarce, as such individuals choose. This is the cause, the great and only original, and the prevailing cause of all the trouble. There may be aggravations of it. Your committee are not disposed to deny, that the peculiar fiscal condition and the corresponding acts of the federal government, may not have increased the suffering. But those acts are as indispensable as medical treatment to violent distemper; the real cause of complaint is, that such interference was put off so long; nothing but government’s rescuing the sovereign power of regulating currency, which has been usurped from it, can ever permanently cure the disorders the country suffers, in which hresumption the states are called upon to perform a most important part, since it is now settled that state bank notes are lawful money. The intimate commercial relations between the United States and Great Britain, which by the immense cotton trade and other connexions, render that country and this almost one commercial nation, have aggravated the present convulsion by the involvement of the English banking and commercial interests with ours. The bank of England with government sanction, disclosed forty years ago the pernicious secret, that banks may dispense with hard money, and substitute a paper credit, which, for a time, will seem to be prosperity; the prolific source of ultimate debts, confusion and distress. Possessed of that secret, our banks have followed their example in pushing the paper system to a despotic supremacy; till like all despots, we see it at this crisis, fallen to pieces by its own overaction. The banks of England and this country united last year in stimulating overtrading, the invariable result of over-issues, till our importations of their merchandise exceed by sixty millions or more, our means to pay for them; while scarcely less than this sum of debt was advanced by bank borrowers in speculations at home, from Ouisconsin to New Orleans, in every thing real and personal that could be bought and monopolized.

No law can create capital at a stroke which is the slow growing offspring of industry and liberty alone. But discount banks counterfeit capital, the stimulant of moral and mischievous speculations, more intoxicating than all the intemperance to which men are addicted and more disastrous than all the vice and immorality that are chargeable to intemperance. Preposterous luxury, insolvency, and crime are the certain followers of the bank mania—a system of stupendous gambling superseded and degrades regular occupation. Pilocracy brings on want, unnatural plenty, unnatural scarcity, prices so high that the working classes were pinch’d for food, then all at once so low that nothing but a bad currency, speculation and monopoly can account for such sudden vicissitudes; the most devouring usury, controversy and litigation, panic, clamour, convulsion, and at last the unlawful refusal of the banks, in a time of profound peace, to redeem their notes in good money—these have been the rapid events of the last few months: with eighty millions of gold and silver and abundance of every thing needful for prosperity and content, large portions of our people are in a revolutionary state of disquiet and excitement, are reduced to want and misfortune with unparalleled distress.

The commercial classes, those indulged favorites of American Government for whom navies, foreign wars, and large expenditures have been of serenely maintained by the agricultural and mechanical habi-
The manufacturing class, whose encouragement has been so costly, have all a perfect right to protection; as it is for the common welfare that every class should be rendered prosperous. But no class has a right to supremacy; much less has any individual or a few, the least right to privileges at the expense of all the rest of the community. Banks, with all their privileged connexions and dependants, ought to be placed on a foot with the industrious, producing and unprivileged, who ask for nothing but liberty, equality, and a government of just law, as the elements of a common prosperity. Vicious speculation should be restrained by vigorous and independent legislation. Whereas, unhappily and dishonorably, it is legislation that authorizes speculation and gambling to supplant the precious metals by paper, and has inflicted that degradation by which the country is now suffering the disasters of a currency not much better than that of the Revolution, against which all our early institutions so sedulously guarded. Rooted, as discount banks are in our habits and ways of business, it is perhaps impossible to remove them altogether; and if they are to be allowed, they must be content with mere modifications of a bad system. But it was, and is, be safely affirmed that there is not, never was, and cannot be any such bank without public mischief. The banking system began with the bank of Venice as a place of safe deposit, but not of discount or loan, and stood profitably on that foundation for six hundred years. So was the bank of Amsterdam, for a century and a half a safe and profitable bank of deposit merely; and so is the bank of Hamburg.

The original and right office of a bank is to keep money, not to lend it; still less to lend mere credit by promissory notes, instead of money, and still less to lend the credit derived from keeping money, not belonging to the bank.

The principal gains of all discount banks proceed from doing what courts of justice punish as a fraud, viz: using trust funds. The discovery of this fraud ruined the bank of Holland. The bank of England was established as a temporary relief to government, and though allowed to discount, can hardly be considered a discount bank, as such as most of its profits are derived from other means, and much of the discount loans of England are left to other bankers. The bank of Scotland has flourished for one hundred and forty years on the charter of, first, the responsibility of every stockholder for all the liabilities of the bank; not merely personal responsibility, but also process of attachment: secondly, interest paid on deposits; on such a charter, the bank of Scotland has maintained its credit unparalleled, upon the more responsible, and therefore prudent, and therefore safer basis, while that of England, chartered about the same time, and banking with all the advantages of the government deposits, without individual responsibility, has been often in jeopardy, seldom if ever, able to pay all its debts for a long time under the total eclipse of suspension of coin payments, until it has become so questionable an institution for public good, that by its last renewal, the capital was reduced, the period of robarter was seduced, and the bank accepted it on the condition of being obliged to surrender it on short notice. American banks, unfortunately taking the bank of England for their model, have pushed the discount scheme in its most vicious principle, to ruinous excesses, until the banking mystery is exploded, and the bubble has burst so often, that every body now knows, and almost every one feels that bank notes are never payable, but merely promissory; that banks are almost always insolvent, and their directors, the mere holders by sufferance of a precautions permission to mimic the sovereignty of state, by a mockery which emergencies never fail to put an end to, but which always explode with commotion, panic and great inconvenience.

The whole theory and practice of American banks are false and pernicious. Their first act being to lend trust money, left with them to keep; their next misconduct is to issue mere promissory notes, instead of gold and silver money, which notes do not represent such money. Then they make loans of fictitious credit, by secret and arbitrary discounts, increased or decreased with no regard to public good. The holders of their unpaid notes calling upon them for money, the banks oblige their debtors to pay what they have borrowed; thus without any system, at one time gorging the community with false plenty, at another straitening it with supposed want (as six months ago there was actually no want of food, though prices indicated dearth, and at present when in the midst of plenty of money there is none,) distressing all with either too much or too little of the means of livelihood. Again, bank loans, such as they are, are not made to those who want; to the industrious mechanical classes, but to the speculative and extravagant; often by bank directors to themselves, with which to buy the needy, by wanton lending again; or to other unworthy favorites. The laborious and frugal are rarely assisted, but those who are stimulated to live beyond their incomes and pursue a course of folly, luxury and insolventy. Nine-tenths of them become insolvent, for there is not one prize to a thousand blanks in the bank lottery, and by their assignments almost always secure the bank, leaving other creditors, friends, and even their own families to destitution and ruin. It is mainly through bank influence that courts of justice have been brought to sanction those unjust precedents, which have now become part of the established law, although condemned by a whole class of one people as dishonest. Banking and other corporations have the best means to fortify themselves with the first professional talents, so that laws are both made and administered to their advantage; and by a sort of priority in the payment of debts, equal to government prerogative, they take rank of all other creditors. A report to the senate of this state, made the 15th January 1821, by a committee, of which the chairman was an intelligent merchant of Philadelphia, declares, that had it not been for the practice so universally prevalent among merchants, of securing the banks, for the sake of endorsers, banking would long since have been abandoned as an unprofitable trade. The whole of the bank system is an imposition and a loss; and it may be affirmed, that those despots who received hard money and reissued it with an increased nominal value, in order to replenish their treasuries, did not inflict as great injustice on their subjects, as we scourge ourselves with, by yielding the sovereignty of the state to the few, thus irresistibly tempted to depreciate money and property, tax industry, and distress the community.

It is a gross delusion, of which it is high time to disabuse the public, that our banking system is the spring of those rapid improvements and advances in commerce, manufactures and the useful arts, which distinguish England and the United States beyond all other countries. The parentage of these improvements, is liberty united to that incessant labor which freemen delight in; whose efforts to that incessant labor which freemen delight in; whose efforts
The Legislature, at the first session under the amended constitution, shall declare by law—

First. That there shall be no bank in this state after the year 1842, with a capital exceeding millions of dollars, and that all banks may be always altered or repealed by law.

Second. That no bank shall issue or discount notes until the entire capital of such bank is paid into and held by the bank, of which at least one-third shall be gold or silver.

Third. That no bank shall ever discount notes for more than fifty per cent. of the amount of its capital actually paid and held as aforesaid; nor shall any bank ever divide more than seven per cent. per annum of profits among its stockholders.

Fourth. That no bank shall buy bank notes, stock of any kind, or property, whether real or personal, for profit, or sell gold or silver.

Fifth. That no bank, by the gradual separation of all bank notes for less than twenty dollars, shall issue any such notes after the year 1841.

Sixth. Prohibiting all preferences by insolvent debtors in favor of banks, and the endorsers, drawers, and all others interested in notes discounted or held by any bank; so that in case of insolvency, no bank shall have preference or priority in payment of debts.

Seventh. Rendering all the stockholders of banks liable to their own private property for the debts and liabilities of their bank, and liable by process of attachment of such property, whether held by themselves or others.

So extensive a review as the foregoing of the currency, although much abridged of what it might and perhaps ought to be, renders it indispensable that the notices of corporations should be brief and summary. They are the de facto subjects, and as far as the power of legislation is concerned, much of what is said of the former applies to the latter. If the principles of the Declaration of Independence, and the bills of rights attached to each and all of the several state constitutions, are to be faithfully carried out in practice; if these charters of American liberty and equality are realities, things, and not mere words; if corporations, especially of perpetuities, conferring privileges for gain, are republican and radically wrong. For the moment that two or more individuals are associated by act of law and endowed with privileges which do not belong to them as individuals, all natural, social and political equality is destroyed for their advantage and to the prejudice of the rest of the community. Equality is put an end to, and an aristocracy is created, which, although without titles, must be inconsistent with the genius and principles of free institutions.

The only foundation of republicanism is equality of rights, equality of duties, and equality of responsibilities. And it may be questioned whether any laws which assume inequality as the basis of their provisions, are within the scope and trust of republican legislation. They may be called laws, enacted as such, and administered as such; but they do not proceed from the delegated authority of republican legislators, and are no more than the rubrics of a Roman Emperor, or the ordinances of any other absolute monarch. Corporations introduced as sanctuaries of liberty, and checks upon monarchy have become the mere fortresses of property. At the period of adopting the first constitution of Pennsylvania, they were little known in practice; that it was thought necessary to invest the legislature with expressed power to grant them; and it is well known that similar authority was deliberately withheld by its framers from the constitution of the United States. Thus, the numberless and multifarious charters that have been granted by the present constitution of this state, are the creatures of a constructive power, both novel and questionable. They are all a compromise of the principle of equality with that of property. Whatever power is given to a corporation, is just so much power taken from the state, in derogation of the original power of the mass of the community, and violation of the equality of every individual not incorporated.
Should no check be put on the present facilities and habits of incorporating individuals for lucrative purposes, that system of extensive and provident legislation, which guarded against the accumulation and perpetuity of property by primogeniture and entail, will be completely annulled, and the tenure of property carried back to a system, not feudal in its military features, but much more strict and lasting than feudal tenure. Liberty remains, freedom of speech, of action, of the press, of religion, and of acquiring property; but equality is rapidly disappearing in the possession, distribution, and transmission of it. It may be, asserted with truth that property is more equally divided and held in France, than in Pennsylvania, where, though personal titles abound, yet property privileges are much less common than here. The impolicy is patent, of transferring to the instrumentality of corporations those creations of the useful arts, for which individual industry is so much more competent and cheap. Association never creates capital, as often supposed, though it is no doubt useful in amassing it; that is to say, in uniting the means of many individuals, for accomplishing purposes beyond the means of any one. But whenever an association is chartered with special privileges, the common equality is destroyed, and it may well be questioned whether republican legislation is authorized by its trust to grant such charter. Labour performed for corporations is like the labour of slaves, more expensive and less productive than free labour. Individual interest and industry are much surer impulses than those of corporation agencies. And here again it is proper to notice, not with censure, but regret, that the courts of justice in this country have not controlled the predominance of corporations.—The common law respecting them is simple and satisfactory. The corporation gives to many men no dispensation from law, (except their peculiar privileges,) which is not the equal, if not the better right of every man; and it is the settled law that corporate powers cannot be carried beyond the letter of its grant. Yet such has been the social and political influence of corporations, that every day they assume constructive powers, transcending their charters with perfect impunity; and few, if any, are the instances in which any American court of justice has ever exercised the authority, said to belong to courts of justice alone, of annulling a charter or rebuking abuses of it. The great business of legislation of late years, has been to grant charters, and no considerate man can reflect without mortification on the means by which they are accomplished, the purposes to which they are too often applied, the manner of their organization, their number and their influence. Thoroughly impressed, as your committee are, with well considered doubts of the constitutionality of many, and a strong conviction of the impolicy of most of them, they have no hesitation to avow as will be obvious to this Convention, that the articles proposed to be incorporated in the constitution are designed to render it much more difficult than at present to procure an act of incorporation at all; so that hereafter no such act shall take place without the most cogent necessity.

C. J. INGERSOLL,
WILLIAM BROWN,
C. MYERS,
MARK DARRAH.

ARTICLES PROPOSED BY THE COMMITTEE.

No law shall be enacted granting any perpetuity or monopoly for private purposes. No bill erecting, continuing, renewing, prolonging or supplying any body politic or corporate, (except religious, scientific, literary or charitable institutions,) shall become a law, but by the concurrent vote of two-thirds of the members of two successive legislatures. Every such bill shall be read throughout three distinct times on three different weeks, during public sessions of both houses. After its first reading, the presiding officer of the house in which it originates shall cause such bill to be published, by printed copies thereof daily, if there be a daily newspaper; if not, as often as possible, by newspapers or other printed advertisements, during at least one week in the city, town or county, and as soon as may be in the immediate neighborhood where said law is to operate; and no such bill shall be read a second time till the said presiding officer certifies to such house, that such publication has taken place. On the final passage of such bill in both houses, the presiding officer of each shall direct the ayes and nays of all the members voting thereon to be entered on the journal of each house.

No such bill shall be passed in any way by the Legislature last voting on it; and if the Governor return it with his objections, it shall not become a law during that session of the Legislature.

Article by-laws and enactments of municipal corporations shall be by them reported to the speaker of the House of Representatives, on the first day of the session of the Legislature next succeeding the adoption of such by-laws or enactments, which shall not be in force more than one year, unless confirmed by acts of assembly.

Mr. FULMER moved that the report be laid on the table, and that one thousand extra copies in English, and five hundred in German, be printed for the use of the Convention.

Mr. STEVENS hoped, he said, that the motion would not prevail.

A similar motion had not been made in regard to the majority report, and this would be the very last document that he would ever give any currency to, under the sanction of this body.

He had heard in town meetings, the harangues of raw Irishmen, and imported patriots, but he had never in his life, listened to a piece of more inflammatory declamation than this, which was now proposed to be sent forth from this Convention. At this crisis of alarm and excitement, this body ought not to add anything which would increase it. When a train was already laid in the magazine, and it was in danger of explosion from a single spark, would it be proper in us to depute one of our own body to fire the train? Should we take this occasion for exciting mobs? For turning loose an infuriated populace to indulge in riot and destruction? Should we sanction a public document which was better calculated to produce disorder in the country, than any other he had ever found? A document which dishonored principles which he had hoped was confined to politicians from the wilds of Missouri, and which, in fact, went far beyond the wildest schemes of the maddest and most chimerical projectors. This was not the time for the dissemination of a document of so extraordinary a nature. At no time would it suit any other class of the community than the Jack-Cades of the polluted quillers of the city; and for the Convention to sanction its publication, would be degrading to the State.

Mr. STEVENS concluded, by demanding the yeas and nays on the question.

Mr. FULMER said he would, in a few words, state the reason of this motion. The people had this subject more at heart, than any that had ever come before the Convention, and we wished to let them see that we had taken it up. It was of more importance, he thought, even than the subject which the gentleman seemed to think ought to engross our attention,—the suppression of secret societies.

Mr. KEIM of Berks, hoped the motion would not be postponed: he had never in public matters deemed it sound policy to indulge in a useless expenditure of the public money, nor did he consider it proper that this Convention should engage in any unnecessary disbursement if they could be avoided; much as he cherished economy as a principle likely to promote the public good, there were occasions when he thought the usual objections could be waived without incurring censure from any quarter. He would therefore vote for the printing of the excellent report of the committee, for the purpose of bringing the question not only before the Convention, but also the people of the Commonwealth.

It could not be denied, that some prominent evils exist in the land. The whole country, every village and hamlet, may, every individual feels in a greater or less degree, that there is something wrong. To
whatever causes these evils were attributed, it could not be disguised
that a very great portion of the community thought they originated
from the unusual increase of banking capital, and the consequent ex-
pansion of paper currency. The sooner the difficulty was met, and
the remedy applied, the better.

The people with light on this subject. They wish the secrets of
the prison house opened, and the rag bound conclave exposed to
public gaze. The more they were informed, the sooner they would
be able to decide on the proper course to be pursued.

Mr. DENNY said, the gentleman from Berks seemed to think
that this report of a single individual ought to go out as the Opinion
of this body. He expressed his regret that the gentleman from the
city had taken this opportunity to produce so exciting a document,
instead of pouring oil on troubled waters. He would not now
review the gentleman's extraordinary doctrines, but at a proper time
he would be ready to controvert them with the former opinions of the
gentleman himself. He hoped this document would not go abroad
as the sentiments of this Convention; but, if we authorized its cir-
culation, it would be considered that we had adopted its views. He
was somewhat surprised at the presentation of this argumentative
report, because the standing committees had been directed to report
amendments merely, and the same rule he had supposed to extend by
implication, to the select committees. In many things in the gen-
tleman's able report, he concurred; but on others he differed from the
gentleman as widely as one pole is from the other. At a proper time
he had no objection to a discussion on the subject; but he was oppos-
sed to giving the report the indirect sanction of the Convention, by
printing an extra number.

Mr. CHAMBER was in favour of the postponement, and he spoke brief-
ly in opposition to the views of the report, which he characterized
as erroneous and mischievous. The view of the causes of the pre-
sent embarrassments, as taken in the report, he commented on lucidly,
and traced those causes to the government experiments, the "hard
money" humbug, the destruction of the great balance, paper, of the
currency, and the accumulation of surplus revenue in the deposit
banks. He did not propose, he said, to go into an argument on the
subject now, but he suggested that if the gold and silver scheme
could be carried out, the whole pecuniary means of the country
would come into the hands of a few capitalists, who would thereby
be enabled to grind the industrious classes to the dust, and make the
poor poorer, while the rich grew richer. This would be the result,
the creation of a monied aristocracy, which would be predominant
until the levelling principle, which was now so common in some
places, should prevail and bring it down.

He said, he did not believe in these professions of gentlemen, of ex-
clusive attachments to the people and their interests, if the conduct of
those making such professions, did not accord with their declarations.
He said he had heard of one individual (and perhaps there were many
such) who professed to be the zealous friends of the people and there
interest; report says, that individual purchased an article of a poor
merchant—amounting to twenty dollars, and subsequently wrote a
petition for him, attached his name to it, and when called upon to pay
the twenty dollars—wrote on the "bill" satisfied by professional
devices.

Mr. INGERSOLL. I rise to inquire whether the gentleman
means me.

Mr. COX said, the remark was general, and he hoped the gentle-
man would not consider himself as referred to, unless he could not
understand the language.

Mr. INGERSOLL. I demand to know whether I am referred to,
the member from Somerset.

The CHAIR interfered, and enforced the rules of order.

Mr. COX said he did not say, that such a person was in this
body, though he said there might be some such. He hoped, there-
fore, the gentleman would take no allusion to himself. The whole
condition of things, as they now existed, had been, Mr. Cox said;
predicted. He read a passage from a speech of a Senator from this
State in support of the renewal of the charter of the Bank of the
United States, in which the disasters that had occurred were pointed
out. Mr. CHANDLER of the city, was glad, he said, that the gen-
tleman had withdrawn the motion to postpone. If it was not settled
now, it would spring upon us at some other time. To send this
document abroad at this juncture, under the sanction of the Conven-
tion, might produce very injurious consequences. Besides, it
was well known that there were various channels through which it
might be brought before the people. At this time, and in our own
city, the publication of the report might be fruitful of mischief. He
held in his hand the sheriff's Proclamation, in relation to the election
about to take place in the city. The gentleman, perhaps, did not
know that such a proclamation had been issued.

Mr. INGERSOLL. I did not.

Mr. CHANDLER. It furnishes us with a reason why we should
add no fuel to the flames. The report would be published and read
without our aid; and he did not wish it to go forth as our work.

Mr. FULLER withdrew the motion to print an extra number.

Mr. M'CAHAN renewed the motion, and spoke at some length in
its support. He commented with some severity on the remarks
which had been made by the gentleman from Adams; and said that
those whose influence the gentleman so much apprehended, were not
more to be dreaded than the raw head and bloody bones of masonry.

Mr. CHANDLER asked if there was any motion before the chair.

Mr. M'CAHAN said he was speaking to the question, and more closely, perhaps, than any other gentleman had done, inexperienced as he was. He apprehended no inflammatory effect from the report.

Mr. CHAMBER of Franklin, said he was opposed to the circu-
lation of this document with the sanction of our vote, for the reason
that its arguments were fallacious and erroneous. The proposi-
tions of the report would not, he said, he supported in fact or principle. The Corporations of Pennsylvania were created for the im-
provement of the Commonwealth in the means of education, and internal communication. Were we prepared, therefore, to join, at once, in condemning all the corporations of the State? In regard to the cur-
rency, he asked whether the calamities of the present crisis were
brought about by the legislation of this State? Our legislation, he
said, must be governed, in a great measure, by that of the states
around us. We could not make a gold and silver system for Penns-
ylvania alone, without building a Chinese wall around us, and cutting
off all trade with other states of the Union, and foreign countries. He was also opposed to giving publication to the essays of this com-
mittee in preference to those of any other committee. Had the atten-
tion of the Convention been called to the subject, the special com-
mittees would have been restricted from making an argumentative re-
port.

Mr. DUNLOP, said, that had it not been for the arguments and
anxiety expressed by his friends around him, in relation to this re-
port, he certainly should have been disposed to give it the most ex-
tensive circulation, which its friends could possibly desire. So far
as regarded its being spread before the people, he would (independ-
et of the matter of expense,) have willingly agreed to sow the whole
Commonwealth three feet deep with it. It seems to me, sir, (said
he) there is not the least occasion for the alarm, which some of my
friends have exhibited, respecting this report; I look upon it as perfect-
ly harmless, to those at least who dread its effects. We have often
beheld, sir, portentous meteors of the air that affright, not merely par-
ticular districts but whole nations, from their propriety; that alarm, sir,
has been, like the gory comet, received the direst apprehensions. Why, sir, have we not beheld the whole world thrown in tremulous dread, as the approach of some fearful comet; a comet, sir, which on a little care-
ful examination has exhibited the most amusing tenacity; which, in-
stead of displaying that alarming solidity of matter, which was so ap-
parently manifest, has dwindled, upon nearer approach, into perfect.
mists; so harmless, sir, and so thin, as to be seen through, with one eye shut. What, sir, have we to fear from this report? Sir, I esteem it perfectly genteel; harmless as the covert of Encke, that all the astronomers have been able to see through, without the least difficulty; a mere glimmer of steam and vapour. I ask you, sir, is it not sweet and flowing in its language: is it not written by a gentleman of the most cultivated understanding, in the most polished style, in all the courteous and winning way, so peculiar to this particular gentleman from the county? Is it not profound, sir; profound as it is polished; and will we refuse to spread before the people, this beautiful sample of intellectual effort? We are told that it is inaccurate in its facts, de- leteive in its reasoning, and unsound in its deductions. Well, sir, suppose it is; is that any reason it should not be printed? If it is a more picture of the works of fancy, the mere vagaries of genius, would you not let the people have a look at it? We permit our children to read the tales of the Arabian Nights; and is this more false than they? The Metamorphoses of Ovid are studied by our boys; and is there anything more monstrous in this abused and pellleted document? If we cannot suffer the Arabian Tales and the Metamorphoses of Ovid, to be most of amusement to our children, won't you, sir, who you im- ploringly—won't you let this elegant and polished document be presented to the full grown men and women of this Commonwealth?

Why, sir, they'll get it anyhow: do not gentlemen know, have they yet to learn that it will be printed by that very accurate and industrious paper, the Daily Chronicle, (which shows us up so prettily to our fellow citizens every morning,) which will most rubrically print it! That no less than some hundreds of thousands of copies will be laid on your desks by tomorrow, by the indefatigable Guyer? Have they yet to learn that every printer in the State will print it, as sore as he can lay his hands on it? Are there not at least two hundred Editors, sir, throughout the State, standing with outstretched arms and open mouths, ready to seize with eagerness upon every thing that falls from this Convention, to spread it before their readers? Let them have it; then, what mighty harm is it to do? The people are just made of the same materials as ourselves. They are quite as competent judges of truth and error as ourselves. I do not feel the slightest apprehension from the reading of any such reports by the people. I love the dear people quite as much, and I have no doubt as sincerely, as the gentleman from the county of Philadelphia. I have entire confidence in them, sir; and if I have any fault at all as a politician, it is in loving the dear people too much.

But, sir, I wish this document to go forth and spread itself to every corner in our country. It is but of a piece with certain other papers which have lately emanated from certain distinguished partisans of the party to which the gentleman belongs, which have so justly alarmed the thinking people of Pennsylvania. I allude, sir, to certain letters written just before the late political contest, to produce effect; and God knows they did produce an effect of the most salutary nature. One of those letters was written in a certain city in the far west, by one of the most polished and courteous gentlemen—one who loved the dear people with the most ardent devotion—a distinguished Senator of panic memory and, sir, doleful to relate, it killed him—dead, sir, as Garrick.

Another paper of similar issue was penned by another distinguished Senator of the East—a Senator who is now enjoying the reward of his adhesion in the shape of a Russian mission—toasted, perhaps at this moment, upon the foaming billows, for his own and his country's good. — in short, the gentlemen have been able to find enough of the gold currency to set the vessel afloat in which he is sail, and which I regret very deeply to hear, is probably the case. That letter, sir,—

I mean the famous Bradford letter—was fraught with horrors. The friends of sound principles were in the deepest apprehension. They imagined that the whole edifice of their institutions would be prostrat- ed, and that riot and radicalism would soon be triumphant. But what was the result; the people to whom it was addressed were shocked at its pretensions, and it brought his party to the brink of annihilation.— This report, I hope, sir, will finish the little remnant which the Bradford miners left to the chieftain of his choice. I think, sir, that majority was whittled down, to the mortification of himself and his friends, to about $500; and I think, sir, this report is fully adequate to the entire overthrow of that diminutive remnant. I speak, sir, with great defer- ence, and hope, if I have overestimated its powers, that the gentleman will be kind enough to put me right.

But, sir, said Mr. D., I do not by any means believe that the gentle- man himself anticipated any such prodigious effects to result from throwing this paper of his before the people of Pennsylvania. I doubt, sir, if he expects that it will revolutionize the public feeling upon the subject of the recent miseries, and console them for the errors of the Government, by which the business of the country has been so shattered. I feel strongly inclined to think it is only intended to operate for the particular occasion upon Southwark, and the Northern Liberties. If the gentleman's district can be persuaded that this paper contains a panacea for their woes, why let them be soothed. Let him have the credit of alleviating their sufferings, if only so long as to secure their good graces till the approaching contest.

There is another reason, sir, why I would be willing to gratify the learned gentleman and his friends in the publication of this report.— It is laid down by the great Apostle of Liberty, Mr. Jefferson—and, sir, I give him that appellation, however little some gentlemen here may think him sincerely entitled to it, for his uniform and untiring de-

ed; and completed your turnpike road throughout your State? Who, further ask any man not carried away by fanciful theories, whether errors of the Government, by which the business of the country has been so shattered. I feel strongly inclined to think it is only intended to operate for the particular occasion upon Southwark, and the Northern Liberties. If the gentleman's district can be persuaded that this paper contains a panacea for their woes, why let them be soothed. Let him have the credit of alleviating their sufferings, if only so long as to secure their good graces till the approaching contest.

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CONVENTION PROCEEDINGS.

(Continued from this morning's Extra)

There is one more reason, Mr. President, why I should have no objection to indulge the gentleman from the county in the promulgation of this report; and that is, sir, that I should be glad to see the gentleman show himself off, in the two very distinct political attitudes which he has certainly occupied within the last two years. That gentleman and I had the honor to sit once in the New York Tariff Convention, and he there took a very distinguished position, as his Wren of a majority of the representatives of the people acting in their legislative capacity.

I think, sir, if I am not mistaken, and if I am, I hope the gentleman will correct me as to facts, that he was so exceedingly devoted to all these great interests, that he went on to Washington as an agent of the friends of domestic industry, and in the course of the year, to assume, during his political career. He has read somewhere in Physiological works, Mr. President, that the human frame undergoes a total change, body and breeches, sir, every seven years. I am not exactly sure about the time—may be it's twenty years. I don't read a very great deal, sir, and I can't undertake to be positive; but I think it is seven years. It may be more, but I'll take it to be a term of seven years in which a man's frame undergoes an entire change; the whole material of his physical system is revolutionized; the old matter, sir, down to the very bones, passes off, and the waste is supplied by a new deposit. This is ascertained, sir, I understand, by feeding little pigs on madder, or some such coloring matter, and watching the progress of the color infused into the bones when the little animal is killed. The precise color of the political opinions of our friend from the county, some eight or nine years ago, I do not exactly undertake to assert; but I think, sir, (said Mr. D., inquisitively, and turning to Mr. L.) you held office about that time under Mr. Adams. Well, Mr. President, it is discovered on the death of these little pigs, that in precisely seven years they undergo a complete revolution, and become new pigs entirely. Thus, Mr. President, as it is with the pigs and the madder, so it is with men; I mean some men and their politics. They become dyed, sir, not only as a very distinguished Senator said on a very distinguished occasion—dyed not only in the wool, but actually in their bones; and yet, sir, this color works out about every seven years along with the osseous matter to which it gave the tinge.

There is another matter, sir, and I will close these hasty and casual remarks. I understand, sir, the gentleman to design to restrict the power of the Legislature in granting bank charters, so that it will require two-thirds of the two Houses to pass any bill to that effect. There is nothing surprises me more than to see gentlemen constantly straining the power of majorities, seeming to wish to see a majority always triumphant, and yet proposing to restrict that very majority; to tie the majority hand and foot, and place them in the power of a minority. This would be certainly the practical effect of the restriction, and he implored the House never to consent to destroy the power of a majority of the representatives of the people acting in their legislative capacity, unless for reasons far more cogent than those urged by the gentleman from the county of Philadelphia.

[Mr. DORAN'S remarks in favor of the printing, will appear in our next.]

Mr. EARLE said, that while he was pleased with some parts of the report, and was glad the committee had made it, he regretted that the motion had been made for the printing of an extraordinary number of copies. He regretted it, because it seemed to be viewed by gentlemen as a party question connected with national politics, and he wished to shun the agitation of those questions until after we had acted on those great measures of reform, for the effecting of which the Convention was called, and in relation to which the party to which he belonged, must have the co-operation of a portion of the
party questions in reference to national politics, merely, and disconnected with our proper business, he had warned the Convention that it was an effort to divide the friends of reform, create hostile feelings, and seduce a portion of them from the support of the Constitutional changes, to effect which they were elected. He now thought that his political friends, if they considered this as a party question, would, by agitating it at this moment, be in danger of producing the same result that they, with himself, had deprecated when attempted by the other side. It was evident that the members here were such that the friends of the national administration could gain nothing by increasing party excitement in this body. If the proposed extra printing was a party measure, and, as such, was a proper and justifiable one, he would go for it, but he always would for just and proper measures of the party to which he was attached. But he could not view an additional expenditure in that light. We were to set on matters here for the whole people, and should support the resolution, or oppose it, according to its furtherance of the objects for which we were sent here. Printing in bodies of this kind, was for the purpose of informing the people of proposed measures, that they might oppose or support them by petition or otherwise. This information would be sufficiently diffused for the purpose by the four thousand copies of the Daily Chronicle, in addition to the newspapers which would contain the report. There were not, as yet, a very great portion of citizens who would read long articles on the subject of banking; but he hoped the science was advancing, and would ere long be thoroughly understood by the whole community. At present, opinions were exceedingly diversified on the subject, even among the members of the same political party, and he saw no prospect of their being united before the close of this Convention, though he trusted they would ere long be so.

While opinions were thus discordant, this Convention could not incorporate into the Constitution, regulations for the minutiae of banking, without endangering the rejection of the work for which they came here. He had regretted that, after the people had voted to call this Convention for the great objects which had been agitated for thirty years, a question which had sprung up since the vote on which the Convention was taken, had been connected with the proposed measures of this body. He regretted, because calculated to endanger reform by uniting an entire party on national politics, with the interested and wavering of the other party, against the amendments we might propose; and because the power of the Legislature over the United States Bank of Pennsylvania, was, he had no doubt, precisely equal to that of this Convention.

Were we to vote for this extraordinary printing as a sanction of the doctrines of the report? If so, he was not prepared to sanction all of them. There were two classes of political doctors who would regulate the business of individuals, as regard'd currency, and both, as he thought, had fallen into error. The one class would regulate the nation by a great monopoly, like the Bank of England, and that of the United States. Such great engines, however honestly conducted, he thought had been extremely pernicious in their effects: their power to produce fluctuations was too great, and he thought the present commercial difficulties principally caused by them.

Others would abolish paper and return to specie. He could not agree with this class. He would not abolish steam engines, nor any other invention which a portion of the community deemed useful and wished to employ; but he would compel no man to use them against his will.

He thought it too common for governments to undertake the regulation of the private business of individuals. They ought to confine themselves, in this regard, principally to the enforcement of contracts and the punishment of frauds.

Had governments acted upon these principles, and left banking, like other arts and occupations, open to private competition and improvement, he believed the system could have been more perfect than it is at present. He thought the existing banking system not what it should be; but he did not approve of all the remedies suggested in the report. It proposed to allow banks to be chartered by a vote of two-thirds of two successive Legislatures. This was a monopoly principle, and enabled a minority to govern, which was an anti-democratic principle. Some said, let us have a few monopolies, but not many. He (Mr. E.) said, let us have none at all; but if we must have any, the more the better; for the more numerous, the nearer did they approach to no monopoly at all. If banking were unjust and immoral, it should be prohibited altogether. If just or right, then it should be open alike to all, as much as any other business. This system had been practised many years in Scotland, and was found to be good. He admitted the right of governments to provide evidence for security given by bankers for the payment of their notes; but he did not admit their right to compel any man to issue or not to issue them—to receive or not to receive them—no more than to direct what food they should eat, or what cloth they should wear.

The report proposed to hold all the stockholders personally liable for all the debts of a bank. He thought a better security could be provided both for the stockholders and the public. The stockholders might fail; but the security of the New York Safety Fund was a sure one, and other modes might be devised.

He had his own views of banking, but he did not expect this Convention to go any farther at present than the public have prepared to go. By legislation, or by future amendments, they might hereafter go to any extent which the people should say was right. He thought it doubtful whether we could at present induce them to go farther than to put some checks on legislative action, such as to prevent them from granting charters for more than a certain term of years, and from granting any not reputable. It was tyrannical for one generation to attempt to impose upon its successors institutions against their will.

The principle of corporate or joint associations was good. It enabled the many, with small means, to compete with the few who were wealthy. By this method property had become more equally divided than at the time of the revolution, and it would become still more so, if the monopoly principle of our present corporations were abolished, and all men left free to associate with shares large or small at their pleasure.
Mr. INGERSOLL arose, and after stating that the motion to print was not one of his own, and one which he did not expect to be made, said he had listened to the remarks of the gentleman from Adams, and endeavored to take down some of the expressions of that gentleman. He found in his notes the words "raw Irishmen and imported democrats," "an incendiary document calculated to excite the mobs of the populace." He would ask the gentleman from Adams, whether he used this language in reference to him?

Mr. STEVENS arose and said, that he stood here not to be censured by any gentleman. He used those epithets in reference to the document, and made them to apply to no particular man. Upon reflection, he was not disposed to alter one word of what he had said in reference to the character of the document. He spoke not of the gentleman who drew it.

Mr. INGERSOLL had not another word to say.

Mr. CLARKE, of Indiana, said that he hoped the Convention would agree to print the small number which the motion contemplated. We had been now three weeks in exercising our arms, and he had been anticipating the time when we should come to blows. Those who had been boys and lived in the country, understood what was meant by throwing a stone into a hornet's nest. This had been done this morning by the report of the gentleman from Philadelphia county. The gentleman from Franklin had imitated the pheasant, with fluttering wings, until the brood was safe, or dangerous consequences might have ensued. He was pleased that good humor had been restored. In this country, he could not agree that any such characters existed as described by the gentleman from Adams. The time of Shakespeare's imaginary Jack Cades had gone by. The time of ghosts and witchcraft had passed, and the people were intelligent and virtuous, and were able to discriminate between truth and error. Those who were opposed to the doctrines of this report, he would not say possessed all the talents, but they certainly had worth, and worth commanded talents. Why, then, not let it go out to the people? If it was erroneous, it should be remembered that "error is harmless where reason is left to combat it." But he considered the doctrines in the report, truth. The paper system, he believed, fraught[sic] with mischief, and not in favor with the people. Send out a Constitution, with amendments that the people do not want, and there will be no danger, for the people will reject it; but if an amendment was made upon the principles of the report, it would be adopted by the people by an overwhelming majority.

On this subject he would say to the antismasons, you who love the country better than party, now is the time to show that you are in favor of giving the people light on an important subject. Should the committee on secret societies make a report on the nummerice of
masonry, and the follies of antimasonry—he would say persist in it, and let it go forth to the people. If you refuse to print this report, you will say that no rude hands shall touch the sacred temple of man.

Three were no new principles. He declared them fourteen years ago, when he was considered little better than a wild man. But, says the gentleman from Franklin, if you put checks upon the majority of the Legislature, you do violence to democracy. This was the first time he had ever heard of that gentleman's democracy. But does not the gentleman see that this argument overthrows his favorite doctrine of two-thirds to convict on impeachment, but will not destroy the democratic principle, that the majority must rule, by creating a check upon the Legislature? We submit the proposition to the people, and they vote to restrict the Legislature for their own security. He hoped the Convention would agree to print the report, and that no party would make an objection.

Mr. FULLER said that he withdrew the motion, not because he was convinced that it ought not to pass, but he did it to save time. But now it being evident that the debate would consume the whole day, he should press it as far as his vote went. He believed that the people were capable of understanding the subject, and he was not afraid to send the report to his constituents.

Mr. M'CAHEN then modified his motion so as to include the report of the majority.

Mr. CRAIG said that it was very apparent there was a disinclination on the part of those opposed to the minority report, to protract this debate, as some five or six gentlemen favourable to it had continued the debate without an answer from the other side, and if the debate must be continued till the time of adjournment, we might as well give our objections against the printing as not; he should not have risen at this time, but for the circumstance that the gentleman now asks you to print the report of the majority, as well as the minority report. This proposition was gratuitous: being one of the committee that signed the majority report, it was proper for him to say that no such favor was asked or expected by the majority of that committee: they were contented to let their report lie on your table until it came before the Convention in the usual way; he was opposed to giving a currency to the minority report which was not claimed by the majority.

The gentleman from the county of Philadelphia (Mr. Doran) contends that printing an extra number of copies does not in any measure give it the sanction of this Commonwealth: if that position was correct at first, it cannot be so now, as the gist of the argument has been whether it ought to have the sanction of this Convention or not, and it is for this the gentlemen contend to have an extra number of copies printed, that the people may receive it with the sanction of the Convention. To illustrate this subject, suppose a gentleman should move to have the speech delivered by the gentleman from Franklin (Mr. Dunlop) printed; would not that be giving the sanction of the Convention to the speech? The public would so regard it; the people would believe that we were delighted with it, and where is the difference in principle between the speech and the report? The most material difference is that the one is in writing and the other was oral.
The committee believe that this proposition ought not to be adopted, inasmuch as it is entirely within the power of the committee to inquire whether any disqualification for holding office, or places of trust or profit under the Commonwealth, should attach to any person on account of his having been concerned in any duel, as principal or second, or of having been convicted of any other crime or misdemeanor. This is believed to be a fit subject for legislation, upon which action is necessary.

No. 17. Submitted by Mr. DARLINGTON, of Chester, instructing this committee to enquire whether any disqualification for holding office under the Commonwealth, should attach to any person on account of his having been concerned in any duel, as principal or second, or of having been convicted of any other crime or misdemeanor. This is believed to be a fit subject for legislation, upon which action has been had, whether to a sufficient extent or not, it is not material now to enquire, as if more be needed, it is entirely within the power of the Legislature, but does not, in the judgment of the committee, come within the principles which should be embraced in the Constitution.

No. 16. Submitted by Mr. HIEISTER, of Lancaster, instructing this committee to enquire into the expediency of amending the 9th article, as follows:

1. That the Legislature shall not authorize lotteries for any purpose whatever.

2. That the Legislature shall provide by law for the election of all officers not specified in the Constitution as amended.

As to the first of these provisions, the committee deem it inexpedient to insert it in the Constitution. Lotteries are an undoubted evil, and have been abolished and prohibited both by the good sense of the community, and the enactments of the Legislature, and little, if any danger, need be apprehended of their re-establishment.

As it regards the second of these propositions, the committee do not think it is within their province. The grants of power and authority belong to other committees. The restrictions on those powers and prohibitions of encroachments on the rights of citizens, belong to this committee.

No. 54. Submitted by Mr. FARRELLY, of Crawford, instructing this committee to inquire into the expediency of striking out the 9th section, so that in all cases of trial by jury, (except capital punishment,) it shall be competent for two-thirds or three-fourths to give a verdict. Such a provision, the committee conceive it would be improper to introduce. The trial by jury has been matured and established by the wisdom of ages, and we should fear that such an innovation upon it, would be fraught with dangerous, if not destructive, consequences.

No. 55. Submitted by Mr. CRUM, of Huntingdon, instructing this committee, "to inquire into the expediency of a Constitutional provision, requiring the observance of the Sabbath day."

The committee believe it inexpedient to report any provision relative thereto, as it is a subject peculiarly for legislative action, and is already provided for by law. Which was read and laid on the table.

Mr. PORTER, from the same committee, presented the following report of the minority of this committee.
The undersigned, a minority of the committee on the 8th article of the Constitution, submit the following as provisions which, in their judgment, should be inserted in the bill of rights in addition to those reported by the committee, to be called sections 27 and 28, and the section reported as 27, to be numbered 30. Sec. 27. No perpetual charter of incorporation, except for religious, charitable, or literary purposes, shall be granted; nor shall any charter for other purposes exceed the duration of — years.

Sec. 28. No charter of incorporation for banking purposes, nor for dealing in money, stocks, securities, or paper credits, shall exceed the duration of — years; nor shall the same be granted where the capital authorized exceeds —— dollars, without the concurrence of two successive Legislatures.

Sec. 29. The Legislature shall have no power to combine or unite in any one bill or act, any two or more distinct subjects or objects of legislation, or any two or more distinct appropriations—or appropriations to distinct or different objects, except appropriations to works exclusively belonging to, and carried on by, the Commonwealth and the object or subject matter of each bill or act, shall be distinctly stated in the title thereof.

J. M. PORTER,
R. M. GRAIN,
HENRY SCHEETZ.

Mr. SMYTH, of Centre, called up for consideration, the motion to reconsider the vote for the purchase of 2,700 copies of the Daily Chronicle.

The yeas and nays being demanded, the motion was negatived—yeas 44, nays 74, as follows:

YEAS—Messrs. Banks, Barclay, Barnitz, Bigelow, Bonham, Brown of Northampton, Clarke of Indiana, Cleavinger, Crain, Cummin, Curll, Darrah, Dillinger, Donnegan, Doran, Foukrod, Fry, Fuller, Gamble, Grenell, High, Hyde, Kennedy, Krebs, Magee, Mann, M'Cahen, Miller, Myers, Overfield, Read, Ritter, Rogers, Sellers, Selzer, Schecta, Shollito, Smyth, Snively, Staringe, Stickel, Swel,land, Weaver, White.—44.


RULES.

Mr. CHAMBERS moved that the Convention proceed to the consider of the following additional and explanatory rule, reported from the committee on rules, which motion was agreed to:

"If the committees report that no amendment is necessary in an article, the article should be considered first in committee of the whole, and again in second reading. Amendments may be offered either in committee of the whole or on second reading, whether the committee shall have reported amendments or not—and if no amendment shall be agreed to in committee of the whole or on second reading, the existing constitutional provision shall stand."

Mr. STERIGERE opposed the adoption of the rule, and moved as an amendment, the following, which he heretofore submitted as a resolution:

Resolved, That the Constitution be referred to the committee of the whole for the purpose of amendment, in which each article shall be considered in such order as the committee may direct.

Resolved, That when any article of the Constitution shall be taken up in committee of the whole, the amendments which may have been recommended thereto by any committee, and such other amendments as may be offered by any delegate, shall be considered and decided thereon, after which such article, and the amendments thereto which may be agreed upon in committee of the whole, shall be reported to the Convention, to be considered on second reading, after all the articles of the Constitution shall have been considered in committee of the whole. The same order shall be taken on all new articles proposed to the Constitution.

Resolved, That when any article of the Constitution shall be taken up in Convention on second reading, the amendments thereto, which may have been agreed upon in committee of the whole, and such other amendments as may be then offered by any delegate, shall be considered and decided on; and the amendments to such article which may be agreed upon on second reading, (if any,) shall be engrossed for a third reading at such times as the Convention may direct.

Mr. CHAMBERS gave his views for preferring the rule, as reported from the committee, as the Convention had refused to go into committee on the whole Constitution, and had determined to consider it in its several parts, the rule, as reported, would be found the proper one.

Mr. MANN opposed the rule reported, and supported the amendment, as the rule which the committee was expected to report.

Mr. PORTER, of Northampton, said, no more simple or obvious course could be thought of, than to offer amendments in committee of the whole, or on second reading.

Mr. MEREDITH had expected, he said, that the report of the committee would be satisfactory to every member. The construction of the rule assumed by the President, had given no dissatisfaction—but the matter was referred, in order to settle the question of construction. Every amendment was proposed to be committed to the committee of the whole, and if alterations were made, it went through three readings in Convention. But it was thought that, after
Fourth Article.

The Convention went into committee of the whole on the fourth article of the Constitution, Mr. DENNY in the chair.

The following section being under consideration:

"Section 2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without a majority of the members present."

The question being on the motion of Mr. Dickey, to strike out the word "majority" and insert "two-thirds,"

Mr. INGERSOLL, who was entitled to the floor, resumed his remarks on the subject. He had discussed, when he last had the floor, the questions of the powers, and the popularity of this body, as to which the views of some distinguished members of this Convention had already gone abroad. In reference to the question of popularity, he remarked that, under the present Constitution, three Governors had been elected as friends of reform; but each one had soon discovered, that the time had not arrived at which the reform would be safe and prudent. He did not suppose he could give offence, he was sure he meant none, by saying, that the term "matchless instrument," which had been bandied about here, proceeded from a message of a Governor, whose election was connected with the question of reform. So the friends of reform had labored under many disadvantages, and met with many obstacles. They were opposed by patronage and power, as well as prejudice. But now he took it for granted, that all here, except those who were afraid that if the sluices of reform were once opened, there would be no stopping the current, and were fearful that in going far enough, we should go too far, were of opinion that some reform was necessary. Divesting the question of all extraneous influence, passion, patronage and party, he believed that if the question of reform or no reform, were submitted to the people, one hundred and ninety-five thousand, out of two hundred thousand would answer, aye.

The gentleman on his right had spoken of the opinions of his constituents, the people of York and Lancaster. Was the gentleman quite sure that he was the representative of York and Lancaster? Was he not the representative of the whole Commonwealth? It was a question on which he would not decide; he left it to more able men than himself.

It was true, that the law provided for the elections in the several counties, &c.; but if the people of Philadelphia had chosen to elect James Ross, of Allegheny, as their representative, and he would state he had looked to James Ross as the President of this Convention, he would like to know what he was in this law that would prevent it. Suppose again, that the people of any county had chosen Albert Gallatin, now a citizen of New York, but formerly, and for many years, a citizen of this State, and a member of the Convention of '90, a member of this Convention — was there any law that could prevent him from taking his seat?

Another suggestion he would make in reference to the law calling for this Convention: Suppose that a majority of sixty-seven mem-
bers, opposed to reform, should adjourn, sine die, without doing any thing. In case the other sixty-five or sixty-six radicals should remain here, and make a Constitution, and submit it to the people, he wanted the lawyers in this House to tell him whether, if the people approved it, it would not become the law of the State?

In regard to the necessity of a reform, Mr. Ingersoll remarked that the office of Justice of the Peace, in regard to the general interests of the people, was of greater importance than that of Chief Justice; and, if the arguments on that subject were collated and compared with the reports of the committees, even constituted as they were, though he did not complain of their construction, it would be acknowledged by gentlemen that the radicals were right.

The first obstacle which we met was, a love of whatever has the sanction of time and authority. He felt that attachment, and so did every man. Whatever was consecrated by antiquity, was loved and reverenced. An old church was looked upon, by every one, with affection and awe. In the church where he worshipped, there was quite an excitement raised on a question of altering the pews. Yielding to his feeling of veneration for the building as it stood, he was a strong opponent of the change; but the radicals prevailed, and the alteration was made. After some trial, he found that he had gained so much in comfort and convenience by the change, that he fully acquiesced in it.

An old family was looked to with much respect by every one—whatever might be held to the contrary by any one. An old man, sir, has been reverenced in all countries of the world, and in all ages. A book of high authority tells us of those who maltreat old age, that ravens shall pluck out their eyes. An old tree which has braved the storms of centuries, is beheld with veneration and love. The principle of reverence for antiquity was deeply implanted in our nature. That principle, said Mr. Ingersoll, we, the reformers, or radicals, if you please, stand by. We stand by antiquity, and ask you to restore the Constitution to its original principles, free from modern interpolation. This, it was his purpose to show, and he would show it, beyond doubt or cavil. He called upon the lawyers to listen to the argument, and to overthrow it if they could. To this conclusion he had come with a slow step, and after long debate with himself, and with lawyers, on the subject of Constitutional reform. He had never, he said, conversed with a single lawyer on the subject, and he had conversed with many—not of his own politics either—who did not agree that some reform was necessary. On his veracity, he would state that he had conversed with no one, for years, who did not agree that reform was needful and proper, provided it could be stopped at the proper point. It was long before he (Mr. I.) had brought his own mind to that conclusion. He confessed that when a gentleman of much experience and reputation in public affairs, told him some years ago, that this Constitution, particularly in regard to the Judiciary, was a failure, he was surprized. A gentleman here had remarked, that the people of Pennsylvania were not radicals. He did not know what that gentleman meant by the term radical. There was a party in England called radicals, which was not in very good repute—but in this country, a radical was simply an American republican. The reason why the term had become reproachful in England, was that those persons, even those of high character, who broke from the remnants of the established church, and the principles of monarchy, went to the opposite extreme, and became infidels and radicals. It was not so here. He was no more radical than the Judiciary committee were, according to their report.

But he was for going back to the system of antiquity. He stood here on that foundation. An hundred and fifty years ago, the simple founder of Pennsylvania established what he called "a charter of liberties" for the freemen of this colony. It was the first thing of the kind that had ever been heard of before in the world. Liberty had been known in Greece and Rome, but not chartered liberty. It was signed, he says, in what was "vulgarly called the month of April." This Mr. I. said was much more radical in its tone, than any radical here could venture to approach to. This man was not a statesman, and had little experience, probably, in public affairs. He was simply a Quaker Preacher. But he formed the best system of government that had ever been known before in the world. What were the principles of the government which this man made? First, annual elections; second, rotation in office; third, no plurality of offices; fourth, votes by ballot; fifth, almost universal suffrage on short residence; sixth, elections of all the Judges,—but this was afterwards changed to the tenor of good behaviour; seventh, a numerous representation, which was wished by some to limit; eighth, every man his own lawyer, and allowed to go into court and plead his own cause; ninth, pleadings in the English language, which never had been heard of before; tenth, lands liable for debt, which had not been heard of before; eleventh, registration of deeds, which has never been yet fully accomplished; and lastly, religious liberty. This was the Constitution which was made by that democrat, radical, and infidel, Penn, as the Lords and Bishops of that day probably called him. All that we were doing now, was mere child's play to this; and when this was formed, there was no liberty in England, much less elsewhere; at one blow, Penn declared religious liberty; annual elections; rotation in office; elective judges, free suffrage, &c. &c. and this was all that we poor reformers and radicals, now stood up for and asked.

Mr. Ingersoll adverted to the provision relating to impeachments as imperative, useless, mere brutum fulmen—nonsense! A misdemeanor was a cabalistic word which meant nothing. But by the Constitution of 1776, a Judge was removable for mal administration, and by a mere majority. A misdemeanor might be a crime such as theft or assassination; but still it would be no violation of official duty. If the gentleman would restore the mal-administration, instead of misdemeanor, he would consent to retain the two thirds.

The present Constitution was made by an English lawyer, Mr. Justice Blackstone. James Ross, Thomas M'Kean, and other leading members of the Convention of 1790, were the apprentices of Judge Blackstone, and borrowed the principles of the British Constitution in the formation of our own. Our Constitution was confessedly an experiment at the time. In political experience, the youngest members of the present Convention had more knowledge than the collected wisdom of the Convention of 1790, and were better judges of the wants of the people.
CONVENTION PROCEEDINGS.

(Continued from Wednesday.)

So in the formation of the Constitution of the United States, the main features were engraved upon the British Constitution. Of its framers, among whom were Alexander Hamilton and Governor Morris, wished to copy closer the original, but were prevented by such men as Benjamin Franklin and James Madison, who succeeded in engraving upon it more liberal features. We have now had the experience of half a century, and were sent here by the people of Pennsylvania to revise the fundamental laws of the State, since the greatest innovator, and the most thorough radical in the world, had wrought changes in the moral, physical, and political condition of the people, it had demonstrated that our Constitution was too much like the British, and required alteration.

With regard to the Judiciary, he did not wish to weaken it—he wished it to be strong, but to be put on some other model than the British. He confessed that a change in this respect would be an experiment, but one that ought to be tried. He then spoke of a case of capital punishment which had lately taken place among his constituents, as exciting feelings of horror. He thought that the defects of the Constitution should now be remedied. We had now experience. Fifty years, or nearly, we had clung to old customs, unsuited to our institutions. In ancient times, every fifty years was a jubilee, when old things were done away, debts set free, and a time of public rejoicing. For his part, he could not understand what was meant by one gentleman, when he expressed such an abhorrence of change! change! change! unless it was small change, the constitutional currency of the country, now in such demand. Other States had altered their Constitutions. All of the old thirteen States except two, which had at the first liberal Constitutions, had altered their fundamental laws, and based them upon the principles which we contend for. All of the thirteen new States had established Constitutions on the modern principles, and Pennsylvania was left behind in the advancement of free principles, so far as it relates to her Constitution.

The reforms demanded by the people, were a reduction of the powers and patronage of the Executive, a limit to the legislative powers for dangerous purposes, an end to life offices, and those of long periods. It was not owing to the Constitution of the United States, that the two term principle was introduced into the Government. That extraordinary man, George Washington, although pressed by the nation to remain in office, retired at the end of his second term, and established a principle which others could not well violate. The veto power was borrowed from England, where it had not been used since the time of William III. It was given to the King to preserve his prerogative, and was copied into the Federal and State Constitutions, to be used by the Executive only to arrest some great violation of the charter of our liberties. It had now become a delegation power, and was used by the Executive to control the Legislature at pleasure. Was this the veto power of the Constitution? No. He then gave an account of the use of the veto power by the late President of the United States, and the present Governor of Pennsylvania. He then gave an account of the abuse of power to create corporations, and stated that, in the Constitution of 1776, this power was expressly granted but not by the Constitution of 1700, in which it was only constructive. He then gave an account of the abuse of the pardoning power, which, was borrowed from the British Constitution, and in England given to the King to make him popular with the people. He thought that there was no reason why this power should be given to a Governor in a free State. The trial by jury was also borrowed from England, but was worse in this State than in England. The trial by jury was here no more like the trial by jury in England, than he was like the King of England. In this country the judge tried the criminal, and in England the jury. He wished to put a check upon the judge.

Changes were demanded in this age of improvement: Pennsylvania had stood still, while the whole world was moving on the river of time. Our Constitution was formed at a time when liberal principles were unpopular. It was during the French Revolution, when the Democratic principle was under eclipse. Now, when experience has proved and tested this principle, and we are sent by the people to alter and amend their Constitution, we are called upon to keep it constantly in view. We ought to strip the Executive of all his patronage, to make him a mere executive officer, and nothing else. The Legislature should be restricted in the use of dangerous powers, and the Judiciary, which, as an experiment, had utterly failed, ought to be remodelled. He concluded by declaring himself as attached to no other party, than one which would carry out the Democratic principle of reform.

Mr. MERRILL, of Union, commenced by saying, that he had heard it stated both in and out of doors, that the act of Assembly of 1833, was not binding upon the Convention. He believed that the Convention was not unlimited, but was bound by every part of that act. He did not contend, that we were bound in consequence of the act itself, but in consequence of a vote of the people under the act, approving of it, and making it an act of their own. In order to
show that we were acting with limited powers, and that the people, by their votes, set these limits, it need only be remembered, that in 1825, a law was passed submitting the question of Convention to the people. In this law, the Convention was unlimited, and the people voted to have no Convention. In 1835, ten years afterwars, the Legislature passed a law submitting to the people the question of a Convention with limited powers, and the people sanctioned such a Convention by a majority of 13,000. But gentlemen say, that the Convention was unlimited in its powers. He did not believe it. We had no power to abolish our form of Government, to create a monarchy, to sell the eminent domain, or any such thing. Our commission only extended to the submission of amendments of the Constitution to the people. It was preposterous to claim unlimited powers. If our powers are unlimited, we can assume all the sovereignty of the people, transform ourselves into a court, bring criminals before us, set both judge and jury—condemn them, and then assume the executive, and order them to be taken by our Sergeant-at-arms to execution. Such doctrines were preposterous—the people had intrusted the Convention with no such powers.

With regard to the fourth article of the Constitution, he believed that it should remain as it is. Some consider it useless, and are for doing away with this tribunal altogether. He thought that it would be not only inconsistent, but unjust, to put the expense of trial of all civil officers on the county of Dauphin. He believed that some great tribunal for the trial of civil officers was necessary, and he believed that the one established by the Constitution of Pennsylvania was better than that established by the Federal Constitution, or by any of the several States. He said that he did not agree with the gentleman from Philadelphia county, who had last spoken, that our Judicial system was a failure. He did not know in what it had failed to secure to the people of the Commonwealth their rights.

Mr. READ, of Susquehanna, said that the positions of the gentleman from Union were correct, the Convention was no better than the town council of a borough, the most pitiful of all collective bodies. He could hardly believe he had heard the gentleman say, that we were bound by an act of Assembly.

Mr. MERRILL explained. He did not mean to say that we were instru ed by a mere act of Assembly, but by the vote of the people, approving the act.

Mr. READ resumed. He said that he understood the gentleman to say, that inasmuch as preliminary steps were taken by the Legislature for the more convenient action of the people, this body were bound to follow the act of Assembly, line by line. For what did the people petition? For the preliminary steps of a Convention, and not for instructions how this Convention should be conducted. The Legislature which passed the law, never thought that they were instructing a Convention of the people. The people never imagined any such thing. The people, and not the Legislature, are the source of power.

One gentleman seemed to suppose that we derived our authority from the bill of rights of the old Constitution. This was not the case. We derive our authority from another source—from the inherent right of the people to self government. The Convention had all the powers that it would have, if it was the first deliberative body in Pennsylvania. The Convention derived its power from the people, and from no other source. With regard to a majority of the people, on the question of calling the Convention, it was a fair inference that the forty thousand that voted for Governor, but did not vote on this question, were indifferent. How then did it stand? It made thirteen thousand of a majority for amending the Constitution.

The Convention was limited in one particular. It was bound to submit its amendments to a vote of the people. He did not believe that the amendments could be submitted separately, but that the only method was to submit them "en masse." If they were submitted separately, and the people should accept some of the amendments and reject others, it would make an imperfect instrument. If this was the case, and he could not see how it could be otherwise, all the nice distinctions of the gentleman from Union, about a new Constitution, an amended Constitution, and amendments to the Constitution, were for nothing.

Mr. READ gave way for a motion for the committee to rise, when the committee rose and obtained leave to sit again to-morrow, and the Convention adjourned.

THURSDAY, MAY 25, 1837.

The chair presented the following memorial from the Democratic Anti-masonic Convention, now in session in Harrisburg; which was read, as follows:

That they and their constituents, a large and highly respectable body of the farmers, mechanics, and laborers of the State, believe secret societies, bound together by highly penal and unlawful oaths, to be very injurious to the interests of the people, and dangerous to their liberties. While we concede the importance of other amendments to the Constitution, we deem none to be of equal utility, or as ardently desired, as a prohibition of all secret societies, using secret signs and tokens, and bound by profane and unauthorized oaths—nor can we believe, but that any amendment which may be proposed to the citizens of this State, by your honorable body, will be seriously endangered in their ratification by the people, unless a provision be inserted in such amended Constitution, which will effectually prohibit the administering of unlawful and extra-judicial oaths, and the existence of the Masonic and all other secret oath-bound societies.

Signed by the President and Members of the Convention,

HARRISBURG, MAY 24, 1837.

The memorial was referred to the committee on the subject of secret societies and extra-judicial oaths.

Mr. TAGGART presented a memorial from the inhabitants of Clearfield county, in favor of the adoption of such amendments to the Constitution, as will reduce the patronage of the Executive, &c. which was read and laid on the table.
Mr. COPE, from the committee on accounts, reported the following resolution, which was considered and agreed to:

The committee of accounts beg leave to report, that they have had under consideration the subject of the expense of printing the English Journal, and therefore offer the following resolution, to wit:

Resolved, That the President of the Convention draw his warrant on the State Treasurer, for the sum of seven hundred dollars, in favor of Thompson & Clark, printers of the English Journal of the Convention, to be accounted for at the settlement of their account.

Mr. HEISTER submitted the following resolution, which was read:

Resolved, That on Monday next, and daily thereafter, until otherwise ordered, the Convention will hold afternoon sessions, and meet each day at half past three o'clock, P. M. for that purpose. And that the Convention will regularly adjourn its morning sessions at one o'clock, P. M.

On motion of Mr. Heister, the resolution was read a second time and considered.

Mr. DONAGAN hoped, he said, that if the resolution prevailed, some limit would be fixed to the morning sitting.

Mr. BROWN, of Philadelphia county, moved to amend the resolution, by inserting half past seven o'clock, instead of half past three. He would greatly prefer to meet in the evening than the afternoon.

Mr. BELL opposed the amendment, which was withdrawn. He then opposed the resolution. He did not think, he said, we should gain anything by it. The nature of the business which we are engaged upon did not admit of precipitate action. As we met early in the morning, very little time was allowed to members for the purpose of attending to communications from their constituents, or to preparation for the discharge of our duties here.

Mr. MANN did not see, he said, how we could be more profitably employed than to listen to the very able speeches which had been, and were to be made here. The sooner they were finished, the sooner we should come to the practical business of the Convention, and the discussion could as well go on in the afternoon as in the morning.

Mr. RUSSELL moved to amend the resolution, by inserting one o'clock, as the time for the termination of the morning sitting, which was adopted as a modification by the mover.

Mr. MARTIN moved the postponement of the further consideration of the resolution. The committees, he said, now sat in the afternoon, and it would be inconvenient for them to attend.

Mr. MANN remarked, that those committees which had not reported would be ready by Monday, at which time the resolution proposes afternoon sessions. He therefore called for the yeas and nays.

Mr. HEISTER said the committees would probably all report by Monday, judging from the progress already made in the business. He should suppose that, if we went on in the same way, we might sit here for six months, without completing our business. He did not know how long other members expected to remain here; but he had supposed, when he came here, that the session would not last more than three or four months.

Mr. REIGART said some of the standing committees had not yet reported. Until they had reported, the resolution would be premature. Ample reasons, he thought, had been given for its postponement.

Mr. EARLE said if the standing committees cannot report, after three weeks deliberation, how long will it take the Convention to despatch the whole business? He would put that sum for the gentleman on the other side. He believed all those committees were ready to report; not a member of them wanted any further time to make up his mind on the subjects under their charge.

Mr. CHANDLER, of the city, said the gentleman has set us a sum, which, in due time, we may try to work out. There was one committee, he knew, which was not ready to report, and would not be prepared to report on Monday. Until that committee had reported, he hoped the resolution would not pass. He wished to attend the discussions here, but could not, if they took place while that committee was in session. There was no gentleman who participated more frequently in the debates, than the gentleman from the county, and (Mr. C.) had been accustomed for the last fifteen years to hear his voice; that he should feel himself somewhat at a loss, were he to be now deprived of that opportunity. He should regret to be sent out of the room while a debate was going on.

When the committee had reported, it would be time enough to take up the resolution. Perhaps, too, there might be some gentlemen more in the habit of speaking than he was, who wished to answer some of the very long speeches which had been made here, during the last few days—and, if they did, it might be necessary for them to have some time for referring to authorities.

Mr. CLARKE, of Indiana, was in favor of the postponement, though he said he was heartily tired of the Convention will regularly adjourn its morning sessions at one o'clock, P. M. for that purpose. II And that committee was in session. II There was no gentleman who participated more frequently in the debates, than the gentleman from the county, and (Mr. C.) had been accustomed for the last fifteen years to hear his voice; that he should feel himself somewhat at a loss, were he to be now deprived of that opportunity. He should regret to be sent out of the room while a debate was going on.

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Mr. BELLS said there was an old adage, which he thought was indicative of the proper course to be taken by us: "The more haste, the worse speed." We should gain nothing by hurrying our business; as to the discussions, they would, hereafter, be of a character which would require close attention, and much research in books and authorities.

Mr. PORTER, of Northampton, said he was in favor of the resolution for a different reason from any that had been given. There were some people who could only be taught by experience; and he thought if the afternoon session was tried for a week or two, those who were now in favor of it would willingly drop it.

Mr. SHELLITO said he thought it would be well to reconsider the vote ordering the newspapers, if we were to sit here all day. He could not, like some learned gentlemen, read and write letters while he listened to debates; and he had no idea of voting at random.

Mr. MAN suggested the propriety of modifying the resolution, so as to strike out the limitation to the morning session. He had no idea that the fumes of digestion would so affect the members of this body, as to lead them into any misbehaviour in the afternoon sittings.

Mr. CURLL hoped, he said, that the question would now be taken, and that the whole morning would not be spent in this discussion.

The question was then taken, and determined in the affirmative—yeas 68, nays 32, as follows:

YEAS—Messrs. Agnew, Ayres, Baldwin, Banks, Barclay, Barndollar, Barnitz, Bell, Biddle, Bigelow, Brown of Lancaster, Brown of Philadelphia, Butler, Carey, Chambers, Chandler of Philadelphia, Chandler of Chester, Chauncey, Clark of Beaver, Clarke of Dauphin, Clarke of Indiana, Cleaver, Cline, Cope, Cox, Craig, Cunningham, Curl, Denby, Dickson, Donnell, Dorr, Farrelly, Fleming, Forward, Foukrod, Fry, Gamble, Grenier, Helfenstein, Hopkinson, Hyde, Konigsmarch, Long, Martin, McCauley, M'Dowell, Meredith, Merrill, Myers, Nevin, Overfield, Porter of Lancaster, Reigart, Read, Riher, Rogers, Scott, Selzer, Serrill, Shobbing, Snoeby, Stevens, Todd, Weaver, Weidman, White, Sergeant, President.


So the resolution was postponed.

Mr. PORTER, of Northampton, offered the following resolution, which was read, laid on the table, and ordered to be printed:

Resolved, That the Auditor General be, and he is hereby requested to communicate, as far as he has the means—
tion. No person shall be convicted without a majority of the members present.

And the question being on the motion of Mr. DICKEY, of Beaver, to amend the amendment, by striking out the word "majority," and inserting the word "concurrency of two-thirds."

Mr. READ, of Susquehanna, resumed the argument which he commenced yesterday on the subject.

From the commencement of the debate on this subject, he said he had not entertained the most remote idea of participating in it, until he was drawn into it by the doctrines of the gentleman from Union, who addressed the committee yesterday. He was drawn into it by the moving of a spirit, and whether it was a spirit identical with the spirit of '76, he could not say; but he would say, that the doctrines which the gentleman from Union had advocated, were the same with those of the British Parliament which our fathers resisted. That doctrine was the subserviency of the people to the Legislature. Is it the gentleman’s doctrine that the people of this State are subservient to the Legislature of the State? He will say "no"; and he will try to escape from the charge of supporting the doctrine of Legislative unani

The next question is, whence is our power? This he was unable to understand his argument in relation to votes not polled. He agreed that the forty thousand who did not vote, were passive and neutral; and, therefore, his inference was that the people, by a large majority, had decided in favor of alterations in the Constitution. Very few gentlemen who sat here, would be entitled to their seat, if the votes not given at their election, had been given against them. The people, it was true, had not, in so many words, said that there should be a change in the Constitution; but that was not the question. The next question was, whether they had determined that changes should be submitted to them for adoption? The object of the Convention was not to make a change, but to propose a change. The question was not, whether the Convention had the power of refusing to submit any amendment to the people; but whether they had any moral right to refuse it. We could not, after the manifestation of the will of the people on the subject, go away and leave this work undone, without a dereliction of duty. He denied the moral right of the Convention to separate without proposing amendments to the Constitution. I understood the venerable gentleman from Philadelphia, (Mr. Hopkinson,) said Mr. Read, to lay down the principle, that the popular voice could only be heard through the medium of the ballot boxes. This was, to his apprehension, a new as well as an incorrect doctrine. The right of petition was, one of the dearest rights which is reserved to the people, is another direct means of expressing the opinions of the people upon all public questions. In point of moral obligation, oral instruction from constituents was not binding as the written and formal expression of their will.

There was not an individual here who had not been made intimately acquainted with the views of his constituents on these subjects. The people had directed him, by oral instruction, that he was to work out his part at once. He had understood the gentleman from Susquehanna to say we owed no obligations to the Legislature, who called this Convention. Was this true? How came we here? By what authority did the gentleman occupy his chair? By the act of the Legislature. Why could not the gentlemen behind the bar come in here, or organize themselves there, and digest a Constitution, and submit it to the people? The gentleman had certainly not read the act of Assembly lately. He...
had said we were bound by the act of the Legislature to submit our amendments to the people.

Mr. READ: The gentleman has certainly misunderstood me. We derive no power from the act of Assembly. What he had said was that we had no moral right to oppose the will of the people, when they may wish to have the Constitution amended.

Mr. STEVENS: Will the gentleman show us the written document in which the people have said that?

Mr. READ: They said it in the ballot boxes.

Mr. STEVENS: There was nothing put in our ballot boxes, except the tickets, with the words "Constitution," or "No Constitution." Did the gentleman's constituents write upon their ballots that he should submit amendments to them? He (Mr. S.) defied any body to show any other authority under which we were here assembled, than the act of the Legislature.

Mr. READ: I will tell the gentleman where the authority is found. When the ballot boxes were emptied, and it was found that they had turned out a majority of 13,000 for a Convention, then did they find the authority for this body to submit amendments, and an instruction from the people to submit amendments.

Mr. STEVENS: I understand the gentleman's meaning, but not his argument. There was nothing in the ballot box which showed that the Convention was not assembled to nominate a candidate for the Presidency of the United States, or to re-nominate Joseph Ritner, the republican farmer, as the democratic antimasonic candidate for the office of Governor of this Commonwealth. The gentleman could get nothing out of the ballot boxes, which would give him any authority or power whatever. We can as well say, continued Mr. Stevens, that we are here to put at rest this eternal clamor of the agitators about encroachments on the rights of the people, as to say that we are here to submit amendments to the Constitution. We had just as good an authority for saying one thing as another. Unless we come to the original matter of the decision of the people, which was, whether there should be a "Constitution," or "No Convention," we should find nothing that the people had decided. If we refer to any document, then we mean something; and then we must go back to the act of Assembly to ascertain what are our powers, and what is the authority under which we act.

Why, asked Mr. STEVENS, is it not in our power to make a Constitution without submitting it? The people did not assemble under any sovereign power which the gentleman talks about, but in the prescribed form, and under the authority of the act of the Legislature. The gentleman wants to think that we are the people. I do not. We are the attorneys of the people, and the moment we go beyond our instructions, or fall short of them, we are faithless to our trust. The gentleman said we were bound, not only by the instructions of the ballot-box, but by the popular voice, as expressed in petitions of the people. He held the right of petition sacred, and hoped all gentlemen would do so. About six thousand persons only had petitioned for amendments; he was willing to gratify even them, and twice voted for the call of the Convention. But would it be said that these six thousand men, even granting that they were all voters, which was not probable, ought to rule the State, controlling two hundred thousand voters? He recollected when thirty thousand voters petitioned year after year, for the suppression of secret societies; and he gentleman did not think their opinion entitled to much weight, and he voted against the bill granting what they petitioned for. The bill passed the popular branch of the Legislature, and was lost in that aristocratic branch, the Senate. This morning, the representatives of eighty thousand of our fellow citizens had petitioned this body on the same subject. He hoped it would be borne in mind by those who now expressed so much deference for the wishes of the people.

He had proved here what he had conceived to be jacobinical principles; he would not say Jack Cade principles, because an allusion to that individual had been considered here as offensive. So, when he referred to him hereafter, he should speak of him as Mr. John Cade. He had continued, heard doctrines here, as jacobinical as those of Mr. John Cade, when he, with his rabble at his heels, entered the streets of London, proclaiming that there should be no money and no grammar, and hung a man caught with an inkhorn, on suspicion that he was able to write. He had heard it said here that a minority of this Convention could resolve themselves into a small club here, and make a Constitution. A more revolutionary and jacobinical measure could never have been conceived. The doctrine that minorities could subvert the whole system of government, placed all our rights upon the tempestuous billows of faction, and yet this was a doctrine deliberately proposed to this Convention.

Mr. S. alluded briefly to the votes given in the different counties for and against the Convention, and remarked that, though in some counties the people were almost in masse for the Convention, in the hope of getting rid of some abominable officers, yet a large majority in other counties were opposed to the Convention, and another large portion indifferent to it. He replied to that portion of the argument of the gentleman from Philadelphia county, which related to the influence of lawyers in framing the Constitution of 1789, and maintained that they were fit men to be employed in such a work; that they had been highly distinguished for patriotism and services in the revolutionary war, and that the present Constitution ought not to be broken up, merely because such men as Wilson, Lewis, Ross and others, had a hand in framing it.
He has been looked upon by all succeeding ages, as a public benefactor—as a true friend of the people, and worthy of immortal honors. And yet Lycurgus was a fool, compared with the gentlemen reformers in this body! For his part, if he had his head and heart, he would not care what these reformers might say—his was the true glory of disinterested patriotism, without any of that alloy that entered into the composition of the demagogues of the present day.

In this grave Convention of men assembled for the purpose of taking into consideration the fundamental laws of the State, we have had rung in our ears the cabalistic words, “the People.” It had generally been found to be true, that those who have some sinister purpose to answer, cry out “the People.” In all ages, those who have endeavored to break down all law and order, to trample upon the rights of man, and aggrandize themselves at the expense of the liberties of the country, have professed themselves to be the particular friends of “the People”—the good People.” Such men have always been regarded with just abhorrence in every age by the wise and good. The base acts of flattery were always used by those who wish to destroy. They are the acts of those that break into the garden of Eden, and whisper into the ear of innocence the poison of death.

Mr. FLEMING, of Lycoming, said that a vast deal had been said about the powers of the Convention and acts of Assembly in relation thereto. He did not think there would be much difference of opinion, upon a careful examination of those acts. He agreed with the gentleman from Susquehanna, that the Convention was not limited in any manner by the act, only so far as the people had sanctioned it by their vote of instructions to submit our proceedings to them for their approval or disapprobation. We are, therefore, left to our own discretion in the amendments that we are to prepare, and, in the great objection was to the independence of the judges, depended on the tenure of their offices. He believed that the Convention was called upon to make sundry reforms. It was called upon to relieve the poor man from the oppression under which he groaned in consequence of a constitutional defect in the instrument of 1790—a defect which gave these persons to the ruthless hands of corrupt justices of the peace. He believed that if the Convention had assembled for no other object than to rid Pennsylvania of her justices of the peace, it would be a bright day for the Commonwealth. It would relieve the poor man from the oppressions of a set of harpies sanctioned by the “matchless instrument.” He considered the Constitution as fairly before the Convention, and that it was not limited in its action by any act of Assembly.

Mr. BIDDLE, of Philadelphia, said from the remarks made by some gentlemen, it might be supposed that a party existed among us which denied the great fundamental principle, “that the people are the only true source from whence all political power is derived.” He knew of none such, nor did he know of any who questioned the right of the people to alter their form of government. All admitted that we are now assembled, elected by the people with authority to propose to them, so their ratification or rejection, such amendments to the present Constitution as we may believe to be salutary; and calculated to add to the security, and to promote the happiness of our community. Some gentlemen contend that we must make changes; others say that we are only to deliberate, and to act with a well regulated discretion, and if we believe that no amendment will be an improvement, we should leave the Constitution as it is. Some gentlemen say, the people have unequivocally indicated their opinion in favor of their desire of reform. On this subject much diversity of opinion prevails. He would not discuss this point, on which so much had been said; but to illustrate his views, he would beg leave to repeat an anecdote, to show that, not in reality, but in argument, a majority of the people called for reform; yet there was no particular change, in favor of which there was a clear expression of the public voice. Several citizens, all reformers, met together—all were for altering the Constitution. It was agreed that each should state the particular in which he desired a change. One said that he wished the Executive patronage diminished. Another replied, that it was requisite that the Governor’s patronage should not be taken away, because it was necessary to counteract the overgrown influence exerted by the general government. The vote was taken, and this alteration was negatived by a vote of three to one. The next gentleman said, that he would alter the tenure by which the judges held their office; another replied that he believed that the secure administration of the laws, the stability of property, and the independence of the judges, depended on the tenure of their offices. This change was negatived by a vote of three to one. The next proposed to go back to the Constitution of ’76, and to have but one branch of the Legislature. He was replied to thus: that it would subject us to hasty and ill-advised legislation; and this change was overruled by a vote of three to one. The last gentleman said, that his great objection was to the justices of the peace. He was asked if this would not be a reflection on the party to which they all belonged; for, during three-fourths of the time, from the adoption of the Constitution, down to the present moment, their party had been in power, and most of the Justices that were said to be such great extortioners, stirrers-up of strife and oppressions, were appointed by Governors chosen by themselves. So that, though all were great reformers, each reform was voted down. Must we, then, recommend particular alterations, which a majority do not wish? He apprehended not. He opposed not such alterations as experience and wisdom might sanction. It was inconsiderate change which he reprobated. He would not lightly relinquish a certain good for an untried experiment.

Mr. WEDMAN, of Lebanon, said that in behalf of his constituents, he would state his reasons for the course that lie should pursue in the Convention. As one of the committee on the fifth article, whose report had been made, suggesting some alterations in the Constitution, he would beg leave to state that he was in a minority in that committee; that he gave his sanction to the report of the majority of that committee, but he was opposed to both reports, insomuch as he was opposed to any alterations in the Constitution. But if he was in a minority in the committee or in the Convention, he was not in a minority on the call of the Convention,
if the population of those counties which voted against the Convention was to be put in opposition to those in which there was a majority. The counties which voted against a Convention contain more than 500,000 inhabitants, and those which voted for a Convention contain a few more than 300,000, making a majority of nearly 500,000 against the measure. If those delegate who profess great respect for a majority, and who represent counties in which there was a majority against a Convention, should now vote in accordance with the vote of their constituents, there would be a majority in this Convention against any alteration in the Constitution.

The gentleman from the county of Philadelphia, who addressed the committee yesterday, while he had not attacked the principles of the Constitution, had complained of the abuses committed by the officers in the several departments, just as if any system might not suffer from abuse. He had attacked the executive for its abuse of the pardoning and veto powers; the Legislature for its encroachment upon the eminent domain and the judiciary, because the Constitution was made by lawyers. The justices of the peace, without exception, had been branded as oppressors of the poor. Was this justice? There were undoubtedly some bad justices, but the denunciation of the whole class was unjust and undeserved. The system was not bad; it was better than any that had been proposed. The gentleman affects great astonishment at the tenacity that some members adhere to established usages, because they have stood the test of time, and at the same time says, you must go back to the old Constitution of 1776. He is in favor of new things, and yet he wishes to bring back that old worn out instrument, adopted and found wanting when our population was only forty thousand, and to throw aside the Constitution under which we have lived in happiness and prosperity, until our population is more than a million. For his part he hoped the experiment would not be tried; for an experiment indeed it would be. He believed that the Constitution should not be easily nor for slight causes abused; nor changed until the defect was so glaring that all could point out its defects. A fundamental law should not be changed by a bare majority of the people's agents.

The present Constitution afforded every security for the rights of all classes of the community. If anything was wrong, it was in consequence of a bad administration of it, and not any defect in the instrument. It had been objected that the veto power was dangerous. He did not believe it. The first exercise of the veto power in the government, was by Gen. Washington. In this State, Gov. Snyder exercised it on the Bank question; and although the Legislature passed the bill notwithstanding, the people approved the act of the Governor, and it was one of the greatest laurels that he gathered during his administration. He knew that the veto power had been abused, and, by the last President of the United States; but the exercise of it by the present Governor, to avert extravagance and profusion, was a highly beneficial act. For his part, he looked upon the patronage of the Governor as a beautiful feature in the Constitution, given him to secure his rights among the other branches of the government, and ought not to be taken away from him. The pardoning power had also been complained of but he did not know in what better hands it could be placed. The judiciary had also been attacked—a branch of the government to which every citizen must look for protection—for life, property and reputation. Would you abridge its power, and render it too weak to afford protection? Would you make it dependent on the Legislature? When the Legislature passes unconstitutional laws, who is to judge between them and the people? Take away the patronage of the Governor—strip the judiciary of its independence and its power, and the Legislature would overbalance him, and swallow up their powers.

In conclusion, he believed the principles of the Constitution impregnable, and that it would stand the test of investigation. It had made us a people prosperous and happy. Under it we had increased from a few thousands to nearly half a million. Our institutions, charitable and literary, were a credit to the State. Our improvements were the admission of the nation and our civil and religious privileges are unsurpassed by any other State in the Union. Let us, then, be careful of an instrument devised by the wisdom of our fathers.

Mr. BROWN, of the county of Philadelphia, said he did not rise to make a speech but he had held in his hand the journal of the debate, since the gentleman from Adams (Mr. Stevens) had made his eloquent harangue, which he did not mean to read, as that would not be in order, but merely to repeat from it what had been said and done by the gentleman from Adams on former occasions. On the 8th of the month the gentleman from Adams moved that a committee be appointed on the "State debt," and said it had been "asked by the people, whether there should not be some constitutional limit to the State debt." After, on the same day, the gentleman from Adams "moved that a standing committee be appointed on the subject of secret societies," and said that the subject of secret societies had "engrossed the public mind to a great extent." "There was no subject upon which the people felt a deeper interest; "more than eighty thousand had made it a question at the polls,""—it was a question that should bring before the Committee, the convention, which was voted against a Convention from more than half a million. Mr. Roberts' county had made a people prosperous and happy. Under it we had increased from a few to nearly a million. On the 23d, two weeks afterwards! He says, "about the amendments which the people expected and demanded, he did not believe, he said, that the people, of one in a thousand of them, wanted any amendments"—"none of the people were dissatisfied with the Constitution, unless it was some old fellow who had been sent to the penitentiary."—"the great body of the people were now all contented with the Constitution as it was." Mr. B. said he would now merely ask the gentleman from Adams, whether the eighty thousand he stated required the Constitutional amendments in relation to secret societies, were the old fellows who had been sent to the Penitentiary? Mr. STEVENS said he meant those constituents of the gentleman from the county, who laid about in sheets, and had been turned out of the Penitentiary:

Mr. B. said he would say to the gentleman from Adams, that he, Mr. B., was not aware that any of his constituents had ever been in the Penitentiary; some of them however, might have been; they were no better, nor were they worse, than the people in other parts of the State; and the records of the Penitentiary did not tell falsely. Some of the constituents of the gentleman from Adams, had found their way into the Penitentiary. Perhaps these old fellows were a part of the eighty thousand he had alluded to, who had expressed their wishes to have constitutional amendments in relation to secret societies. But Mr. B. said, he had only brought the subject to the notice of the gentleman from Adams, for the purpose of showing with what openness that gentleman answered his own arguments; and to say, that he, Mr. B., had no doubt the gentleman from Adams would, in a short time, if left unnoticed, answer himself, and refute all that he had just said.
CONVENTION PROCEEDINGS.

(Continued from Thursday.)

Mr. CUMMIN, of Juniata, addressed the Chair. He said he did not rise to make a speech, but to ask what the question was, or on which the gentleman from Adams had delivered a long and elaborate address; and then asked the Speaker what the question was? The Chairman stated the question, and Mr. Cummin continued: He said there had been so much said in favor of reform; and to what conclusion I fully and freely admit that all power is vested in the people, and that they have an undisputed right, wherever their interest requires it, to amend, reform, alter, or totally abolish the form of government under which they live. This doctrine is fully stated and established in that textbook of our political faith, the Declaration of Independence; it is the foundation of civil liberty, and constitutes the essential principles on which all free governments are founded.

But in the practical application of this principle, it must be regulated by another great principle, which regulates all governments of the people; that is, that a majority must govern. While I admit that any community, or the people of any country, have a right to change their Constitution or form of government, I contend that it must require a majority of the people to effect it, and that a smaller portion of any community cannot, without the consent of the larger portion, change the form of government which has the assent of all, and without the assent of the majority impose on them another and a new form of government.

Let us apply these principles to the case now before us. The Commonwealth of Pennsylvania contains at least two hundred thousand freemen, who are entitled to give their votes in any matter relating to the government or laws of the country. I take it to be fully admitted that each and every of these individuals have, expressly or impliedly, given their assent to the present Constitution and form of government under which we live. Can this be altered or amended by less than a majority of that whole number? Can eighty thousand, or any number less than a majority rise up, and, without the assent of the remaining one hundred and twenty thousand, take from them their present form of government, and impose on them a new Constitution? I think that no one will contend that they can.

The whole number of votes given in favor of a Convention for the amendment of the Constitution, was about eighty-three thousand, and, in pursuance of the vote of this eighty-three thousand, who com-
How, then, did the vote of the eighty-three thousand citizens acquire this binding validity and force? How, then, could the vote of eighty-three thousand control the whole two hundred thousand? Undoubtedly by virtue of the act of Assembly of 1836, which authorized the votes of the people to be given for that purpose, and gave validity and effect to the whole number of votes that were given on the occasion. It was this, and this alone, which gave force and validity to that vote. That act of Assembly directed the vote of the people to be given on the calling of a Convention; a majority of the votes thus given, were in favor of calling a Convention, and by virtue of the same act of Assembly, a majority of the votes thus given, constituted the rule of action of the whole. It was from that source that this Convention emanated, and by these means it was called into existence and it was that act of Assembly which gave life and effect to the vote of the minority of the people.

If, then, it is necessary to call into view that act of Assembly to show the authority by which this Convention was elected, and are now assembled, must we not regard all the principles of that act? When we revert to that act, as the authority, in part, for the calling of this Convention, must we not also recur to it, to show the purposes for which it was called? And what are these objects, as declared in the act? To propose amendments to this Constitution.

I readily admit that, after the people had decided in favor of calling a Convention, no subsequent act of the Legislature could direct or abridge the power of this Convention. It was not competent for the Legislature by the act of 1836, which directs the mode in which delegates shall be elected, and the Convention act, to limit the acts or prescribe the duties of that Convention. That act was only auxiliary to the main object of calling a Convention. It could do nothing to regulate its duties, or control its power.

What conclusion then, it may be asked, do I draw from these principles? It is that this Convention has a right to propose such amendments to the Constitution, or any part of it, as to them shall seem proper: For there is nothing in the powers vested in them, which prevents them from proposing amendments to the whole, or compels them to agree on the amendments to any particular portion of the Constitution. What then, it may be asked, is to regulate their conduct in the performance of this duty? It is that principle of rectitude, that sense of duty, which is supposed to reign in the breast of every gentleman who has to act a part in the deliberations of this assembly.

But, after all, I apprehend that the difference of opinion on this point is not very important in its practical application. What are the principles which will no doubt regulate the votes of this Convention in every decision that they will make? Is it not the fitness and propriety of each amendment itself which may be proposed, that will regulate and determine the vote that may be given on it? Will any member of this Convention vote for any amendment that may be proposed to the Constitution, not because he approved of the amendment, but because he considers it as his imperative duty to make some change.

Mr. SMYTH, of Centre, remarked, in answer to the gentleman from Lebanon, (Mr. Weidman,) that his being the representative from a county that voted against a Convention, might, perhaps, require some explanation. He said, that, although Centre county gave a large majority against the Convention, yet it was at a time of party excitement, when the people were fearful that some violence might be done to their rights. He himself voted against a Convention; but now, in common with two-thirds of the people of that county, he was in favor of judicious reforms.

On motion, the committee rose, and obtained leave to sit again tomorrow.

Adjourned.
will, by reading of it, be encouraged to a violation of the laws. When gentlemen say such is their reason for refusing to print the report, much as I respect their assertion as men, as politicians I do not believe them. If the report be full of errors, why not print it? The people can detect them. Does any one believe that the people are too stupid to detect the errors and absurdities which gentlemen have boldly declared are patent on the face of it? No man in this Convention, however deeply he may be impressed with such a belief, and bold as he may be, would venture directly to make an assertion so insulting to the freemen of this Commonwealth. Sir, I cannot but think that if there were errors in the report, these same gentlemen would be most desirous of sending it abroad to the world, that the people might themselves see the false and dangerous doctrines entertained by those whom they term radicals, and which those same radicals desire to have moulded in their new Constitution. We all know how industrious those gentlemen and their friends were in publishing the letter of Mr. Dallas, (Jacobinical as they said that letter was,) shortly before the last election, when they found that it could be made useful to them, and such an interpretation given to it as would alarm the prejudices and interests of the honest farmers of Pennsylvania. The very thing was, print, print, read, and read, and they circulated the letter, with its false, unnatural, and forced commentary, to the utmost confines of the State. Not a man, woman, or child, but was made acquainted with Mr. Dallas and his letter, through Whig and Anti-Masonic industry; and they excitedly exclaimed, when they saw the disease operate on the body politic in the way they desired: "Oh, that mine enemy would write another book!" Such would be their course now in relation to the report, and they would overload the mails with it, did they sincerely think it erroneous; but they have been struck by its truth, and they well know that the people, if they are permitted to read the report, will also be struck by its truth, and that it will have a great influence over the opinions of the sterling and unbought democracy of the land; and therefore it is, that they wish it not to be printed and circulated. Ah! but the people of this Commonwealth are easily excited—they are in an excitable state, and we ought not to excite them to acts of violence. Strange language, indeed, to be used in this country, whose citizens are proverbial for their grave and sober conduct, and whose institutions depend, for their existence, not on the bayonet or the sword, but on the virtue, the reason, and the intelligence of the people!

SIR, the language is out of place here—it may suit the corrupted atmosphere of Vienna or Petersburg, where the sick slaves of a despotic rule in all the blotted pride of a pampered aristocracy—it may suit the lips of an English Tory or an Irish conservative—it may delight the ear of an admirer of the Holy Alliance; but it is quite inappropriate in an assembly composed of freemen, legislating and acting for freemen—it is degrading, it is insulting to be used in a free country, where every man has an interest, the same and an equal interest, in supporting the Government under which he lives—where the farmer, and the laborer, and the mechanic, are as well qualified to decide between right and wrong, and as little subject to the influence of incendiary appeals, as the richest merchant or the richest lawyer in the land. I have no fears of the people; I am willing to confide in their patriotism, their discrimination, their good sense, and their forbearance; and I am ready to trust them with the truth, the whole truth, and nothing but the truth. Is it the fact, sir, that discussed as the whole country is, this is the day of mobs, of violence, of riots, and of bloodshed? Was not a meeting of twenty thousand persons held but a few days since in the city of Philadelphia, composed principally of men emanating, as the gentleman from Adams (Mr. Stevens) will have it, from the political parties of a populous metropolis—but, notwithstanding his sweeping declaration, be it understood, composed of men as respectable in point of worth or knowledge, as that gentleman or any other gentleman, in this Convention—brought to penury's door, not by their faults, but by the follies and extravagances of gambling stock-jobbers, unprincipled speculators, and improvident traders? I mean, sir, the industrious and intelligent operatives and mechanics of the city and county of Philadelphia; and yet large as the meeting was, with every thing bearing on their minds calculated to stir up their passions, and to fan them to redoubling disorder, they transacted their business, they discussed, they considered their evils, they adopted their measures, they separated and retired to their homes, so quiet and so orderly that they drew forth the entire approbation of the public press, and of men of all parties. I appeal to the gentleman from Philadelphia, (Mr. Chandler,) himself the editor of a newspaper, whether I have exaggerated either the numbers or the conduct of that meeting? Idle would it be, then, to say that the individuals who attended it could not be trusted with the report; and yet they are precisely such persons as make up the people of this Commonwealth; not rich, certainly, but sober, industrious, and honest men, who really support themselves by the sweat of their brow; two-thirds of whom, according to the high-toned opinions of some gentlemen, have neither common sense nor common honesty. As to the matters contained in the reports, they are sufficiently important to claim our notice; for what topics could you select of more interest to the people, and on which they more desire the action of the Convention, than those of banks and the currency? Certainly none. Who doubts that the whole country is convulsed to its centre; and who doubts that it is owing to banks and banking, and to a consequent deranged state of the currency? Our own table has upon it several memorialists from the citizens of this Commonwealth on the subject of banks and the currency, praying the interference of the Convention in relation to them; and the large meeting in Philadelphia of which I spoke, specially asked our interference to save them from the evils of an irredeemable paper currency.

It is then our duty to consider these subjects, and although there is doubtless a diversity of opinion in relation to them, still the opinions of all the members of the Convention should be expressed, that when we decide upon them, we may come to a proper conclusion, and endeavor, if we can, by a Constitutional provision, if not to relieve the present distress among our fellow-citizens, at least to prevent its repetition. Now, sir, this report takes a wide and extended view of them, and true or false the view may be, it is the result of a reflecting and master mind, acquainted with all their details; such a view
Mr. TAGGART presented a petition from sundry inhabitants of Clearfield county, in favor of constitutional provisions for the restriction of banking; which was read, and laid on the table.

Mr. MAGEE, of Perry, obtained leave of absence for a few days.

Mr. TAGGART, of Lycoming, obtained leave of absence for a few days.

Mr. SERRILL, of Delaware, obtained leave of absence for a few days.

On motion of Mr. PORTER, of Northampton, the following resolution, submitted by him yesterday, was taken up for consideration:

Resolved, That the Auditor-General be, and he is hereby requested to communicate, as far as he has the means,

1. The amount drawn from the State Treasury for support of the militia of this Commonwealth, other than that incurred for their support in time of war.

2. The amount of fines imposed for refusing or neglecting to train at militia musters.

3. The amount of such fines collected and paid into the State Treasury, and the expenses of collection, and the manner in which the same have been appropriated, embracing the period from 1790 to the present time.

Mr. READ said that all the information could easily be found, without troubling the Auditor again.

Mr. PORTER desired the information, he said, for the use of the Convention, and it could be so easily collected by the Auditor, he was very glad of it.

The resolution was agreed to.

Fourth Article.

The Convention resumed, in committee of the whole, (Mr. DENNY in the chair,) the consideration of the report of the committee on the fourth article of the Constitution.

The second section being under consideration:

Section 2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without a majority of the members present.

And the question being on the motion of Mr. DICKEY, of Bever, to amend the amendment by striking out the word "majority," and inserting "concordance of two-thirds."
Mr. CHAUNCEY addressed the committee as follows:

I thank the committee, for the indulgence shown to me yesterday.

I know, that the debate on what may be considered as a collateral matter to the subject before the committee, has been much protracted, and that its fitness has been questioned by some of the members. But I entertain a strong sense of the importance and substantiveness of the discussion. Certainly, it is both fit and important that we understand correctly both our powers and our duties.

The origin of the discussion should not be forgotten. It came on in consequence of the repeated declaration, in the form of argument, that we were bound to make amendments, and that it was expected from us by the people—that there was a portion of this body who were the friends of reform, and a portion that were not. In reply to this, it was stated, that our authority was to consider, and if we thought amendments could be made, submit them to the people; that so complete was its authority, and the discretion existing with it, that if the Convention thought the Constitution should not be amended, it should be returned to the people without amendments.

These suggestions have led to very strong and severe remarks. It has been stated, that the power of the Convention is unlimited over the Constitution; but it is their duty to amend it, because the people have decided that it shall be amended. That this decision having been made, there is no appeal from it, no resistance of it, but by an act in masse, they cannot give entire and united expression to their objections, that our doings are to be submitted to the people. In a part of a state.

In the course of the discussion, I have had the misfortune to have my remarks misconceived, and to have imputed to me sentiments which I have not yet uttered.

It is to correct misconception, and to present my actual views, and support them as well as I may, that I again ask the patience of the committee.

I listened with attention to the argument of the delegate from Luzerne. It was open, plain, and tangible; and, according to my apprehension, has presented the doctrine contended for by certain delegates, in as logical form as they have been at all presented.

The object of this argument is to establish:

1. That the powers of the Convention are unlimited, with the exception, that our doings are to be submitted to the people. In a part of this argument, it is true, that he did admit that we had this limitation of our powers: “that we do not violate sound morals, nor contravene the Constitution of the United States.”

2. That there is at least a moral and political duty on this Convention to propose some amendments. I have said that the argument was apprehensible; I think it is fallacious. I propose to consider both these propositions, and the reasoning by which they are sustained.

1. The powers are limited.

I take the argument in favor of unlimited powers to be this:

All power resides in the people: of this power, it is a part to alter, modify, or change their government. The exercise of this power in no way depends upon, nor need await any action of the Legislature. When exercised by the people, either with or without the action of the Legislature, it is supreme and unlimited.

These are general and abstract propositions, and they are thus applied to the case before this committee.

The people have put forth this power by the election of the delegates to this Convention. To this Convention they have delegated this power to amend the Constitution, and they have, by the delegating of this power, decided that the Constitution shall be amended.

Then we have the unlimited power to amend, and the moral or political obligation to amend.

I propose to examine this argument with some degree of precision. Precision is the beauty of argument, and its greatest safeguard.

Before I enter upon the argument, I beg leave to submit some preliminary suggestions, which I hope will commend themselves to the approbation of the committee.

To change the fundamental law of a State, is the highest exercise of sovereign power.

This being stated and admitted, as it must be, it will readily be conceded by all considerate men, that such change should be made with the greatest care and deliberation, and with the best powers of mind and attention.

Since the happy introduction of representative government, such change is effected by a delegation of power from the people. They do not, they cannot exercise this power, but by delegation. They cannot act in mass; they cannot give entire and united expression to their sense. They therefore delegate.

I suppose it will be agreed by those who profess to be the friends of the people, that the delegation of this sovereign power must be express, not implied. It must be seen, that he who assumes to have the delegated sovereignty of the people, has in clear and express terms; it is not a matter of implication. And the more extensive the assumption is, the clearer must be the expression.

Again, sir: those who assume to act under a delegation of power, are bound to show the extent of the powers given to them. That that power has been given, is not a ground of inference that all power is given.

I submit, in preliminaries, sir, that this delegation of the whole or a part of the sovereign power, must be made, not only in such terms, but in such manner, as to leave no room for mistake, as to the extent and intention.

If there is a legitimate or legal manner of making this delegation, it must be presumed—For, there is no law, even for “sovereign power.”

This is a great truth, and will be found to have a powerful application in the argument.

With these preliminary positions, I shall endeavor, with as much brevity as I can, to place these questions in a just point of view before the committee.

Our first inquiry is, whether the people have delegated to us their whole power, subject to their revision, or a portion of it; and if not the whole, what portion?

To pursue this inquiry profitably, we must further inquire, what has been the action of the people? And here I request gentlemen to bring to the argument that precision which eminently befits it. What has been the action of the people?
In proposing this question, I mean the people properly so called: I do not mean one man, or one thousand; but I mean the aggregate mass, who alone bear upon the principles of natural law and social compact, the right to make or to alter the fundamental law of the State. I mean also, the majority of the aggregate mass; for in that majority alone, according to the same great principles, is vested the right to make such an alteration.

I do not mean the small portion of any man’s constituency, whose sentiments he may happen to know; much less, sir, do I mean those men, few or many, who always profess to know the thoughts and wishes of the people, and who claim to be the sole expositors of the people’s will. I mean the people themselves.

I repeat the question—What has been the action of the people?

It seems to be a subject of lamentation, that the people have been too sluggish in that action; and, according to the history given us, they have been sluggish indeed.

For thirty years, have the friends of the people been laboring to convince them of their oppression, and to stimulate these inert Germans and Quakers into action for reform. But they were most indisputably happy and irretrievably prosperous.

At last, however, the question was put to them in 1825, and they were too dull and sluggish to call a Convention.

The effort, nevertheless, was continued, and here we have the first matter, to which gentlemen point as action of the people. They petitioned for a Convention to amend the Constitution. This is gravely relied on as action of the people for alteration of the fundamental law.

Let us examine it, and see on what basis it rests. This mode of action by the people has its prescribed form and manner, by the Constitution, which is the supreme law, the law of the sovereign, until it is changed in a legitimate manner.

By the 28th section of the 9th article, this right is secured, and it is “the right of petition to those who are invested with the power of Government.”

But, sir, suffer me to ask—is the exercise of this constituent right, whether by few or many, to be taken for action of the people? If it is, what is the character of this action?

It is not the action of the people, but of individuals—and its character is simply to ask a preparation for action by the people. It can be nothing more.

Will intelligent men say, that this is a voice to determine the destiny of the state—to change its fundamental law? No sir!

The petitions—what are they? By whom are they, and what do they express?

We know nothing of them, can know nothing of them, but from the effect they produced upon the Legislature.

I think the people, the real people, will not bless their friends for assuming these petitions to be the action of the people.

But, sir, these petitions were not the action of the people; they express in no sense, and in no manner, the voice of the people. You have no ingredients to determine and pronounce any thing.

Are they from a majority?

Are they from a large, or small, and inconsiderable minority?

Do they unite and agree in any thing? If they do, what is it?

Do they state unceasingly, or discursively, the alterations they desire?

These are questions to be settled before any rational being can pronounce upon them as expressing any thing but the wishes of the persons who have subscribed them; and that, as we all know, most imperfectly.

I cannot, then, view these petitions as action of the people, or as anything but what they import, the desire of individuals, few or many, to have a Convention.

Allow me to ask one question. Does any man suppose that, of the hundreds or thousands that signed these petitions, there were one thousand, or one hundred, that considered themselves as performing an act which was to result in a delegation of the sovereign powers of the people to this Convention?

The Legislature rightly understood these petitions. They complied with the wishes of a respectable number of the people. They passed a law to obtain, in a legitimate form, the sense of the people, and they declared the purpose, and prescribed the mode, and with precision too. They asked for an answer to a simple question; not whether they were the friends of reform; nor whether, should there be a change of the fundamental law; nor whether in any specified particular, it should be altered or amended; but, whether there should be a Convention, with limited powers; a Convention to examine and consider of the Constitution; and, if they thought proper, to propose amendments; a Convention to submit their proceedings to the people.

This is the fair interpretation of the act of Assembly, and no man can give it another consideration.

On this act of Assembly the people acted, and, of course, they acceded to it; and a majority of the votes given was for such a Convention. But there was not a majority of the voices of the voters, qualified to vote, and actually voting at the very time, expressed in favor of the Convention. It might be fairly questioned, whether this is a voice of the people.

But we will receive it, as it was received by the Legislature, who considered it a call of the people for such a Convention as I have described; and they made provision accordingly for the election and action of the delegates.

Now, I would ask gentlemen whether this is such a foundation, as will in honesty and fairness bear the assumption, that the people have delegated to this Convention the sovereign authority to alter or destroy the fundamental law? I should rather think that the assumption must be considered as a real and undoubted assumption.

Let the people’s act, such as it is, be reasonably interpreted, as there is no difficulty. They never meant, and have never said, that we should have the power to take down the building. They have never meant, and have never said, that we should so alter the form and structure, that it should not be substantially the same beautiful fabric. They have never expressly, they have never impliedly, delegated it sovereignty to us; and given us unlimited powers. But they ha
The gentleman from Luzerne, and other gentlemen, have said the people have decided that there shall be amendment. I propose to those who affirm this, that they answer and say when and how did the people decide this? Did they decide what amendments should be made?

If the answer be, as to the when and how, by the votes given on the general question, I reply nay, and I have already given my reasons.

If the answer be, that the amendments have been suggested by oral communications, by petitions, by the press: I reply—show me all this to be substantial; show me that all this is agreed to, united in, and of such extent as to desire consideration, as the voice of the people; and show me then what amendments have thus been agreed upon and united in by the people.

Let us not, here, in this solemn assembly, be the dupes of idle words—of words without meaning, but to deceive. Let not the cry or the shout of reform dazzle the imagination, or bewilder the judgment of sober-minded men.

This is too plain a matter for sophistry to pervert. The people have chosen us and sent us here, as rational and honest men, to examine and decide for them, whether this Constitution may, or ought to be amended. They have committed this great subject to our judgment; and they expect that every man will do his duty.

I cannot now foretell what is to be the result of this great work. I come to it, not only without a pledge or a promise, but without the expression of a single wish, on the part of my immediate constituents. They confide this subject, so far as they are concerned, to the honest judgment of my colleagues and myself; nor could I consent to come here upon other terms than those.

I am free to declare, that I come to the work with special reverence for the Constitution. I have carefully examined, compared, and reflected upon it. I have already expressed my opinion of its excellence, and intrinsic merit. But, sir, I also revere it as a Constitution; and the reasons must be powerful that will induce me to vote for alterations. I ask your patience for a moment, whilst I explain my meaning. I consider the Constitution of this land as the real security of our free institutions, and the virtue, and even existence of their Constitutions, as depending upon their permanent and abiding continuance. The Constitution is the supreme law. It is the great controlling power and preserving principle of the system. It deserves to be, and ought to be considered as holy—as sacred—as not to be reached with inconsiderate or unclean hands.

Let your Constitution be easily handled, and it is reduced to simple legislation; and then, sir, it will be humbled beneath it.

It is upon this ground that I feel myself justified in saying, that I shall regard all proposals for amendment with great jealousy. If they are material amendments, I must be satisfied that they are demanded by the real interests and welfare of the people—and the evidence of this must come to me in some better form, than in the shout of those who cry "hasteana to day, and crutify him to-morrow." If they are immaterial amendments, I should hesitate to receive them as not being worth the violence done to the sacred nature of the Constitution, by unbecoming and unprofitable familiarity.

Sir, I differ widely from the gentleman from Susquehanna on this interesting point: so far, in my view, should we be from being the laughing-stock of creation, if we could send this Constitution from this Hall to the people, after honest and faithful scrutiny, unamended. Pennsylvania has brilliant marks in her escutcheon; but this would be the proudest of them all, if she could add—that her Constitution, formed by her wisest and ablest sons, after being the procuring cause of unequalled prosperity and happiness, passed the ordeal of an honest, intelligent, and faithful scrutiny at the end of fifty years, and was transmitted to future time with the heartfelt eulogy of a grateful people.
Mr. SELTZER, of Lebanon, followed. The question he understood now to be on the amendment of the gentleman from Beaver. But he had heard much, during the last few days, as to the number of votes polled for the Convention, and the wishes of the public in regard to reform. The county of Lebanon, it was true, gave but 437 votes for a Convention, and 2,632 votes against it, leaving a balance of 1,535 against the Convention; and no doubt, Mr. Chair
man, said Mr. S., there were, at least, a thousand who voted neither one way nor another. The reason that the people now opposed the Convention was, that, as party feeling was high at the time, they were afraid to submit, for alteration, a Constitution which had stood for forty-seven years; but, after the vote of the State had been given for a Convention, his constituents acquiesced in it; and it was, presumed that the silence of those who did not vote, gave their consent. The next thing was to call the Convention. He would ask for what we were met here; to submit the same Constitution again to the people? He thought not. He believed it was the object of the people to have the Constitution examined, and amended in those particulars which have been the subject of complaint for forty years. The present Constitution was, no doubt, a good one when it was made; and he admitted that we had lived happily under it; but would any one tell him that it needed no improvement? Had not the progress of improvement reached every thing? He who created the earth which we inhabit, and the soil that we till, saw that it was good; but, was it not our constant care and toil to improve it? This instrument needed improvement in many things. The election of county magistrates, the reduction of Executive patronage, and the abolition of life terms, would be acceptable to the public. They wanted us to engrave not wild and extravagant provisions upon it, but to remove aristocratic features. If life office was not an aristocratic feature, he did not know what was. He was sure the people would be better satisfied, if the judges could be put within their reach. But it was said that this would destroy the independence of the Judiciary, and that the judges ought to fear God, and not the people. He did not believe this. If a man was well fit for the office, he would discharge his duty whether the term was long or short; and, if he was unfit, the shorter his term of office, the better.

He believed those forty thousand who did not vote at all, would have voted, if the proposed amendments had been placed before them. More than a hundred and fifty thousand would, he believed, vote for those amendments, if they should be submitted to them; and he therefore thought we had better go on deliberately and discreetly, and propose such amendments as the people called for.

Mr. PURVIANCE, of Butler, said that, on account of the wide range the debate had taken, and the great and unnecessary consumption of time which had been occasioned by the latitude of discussion, he had felt almost constrained, a few days ago, to submit a resolution which would ascertain the sense of the Convention, as to whether any amendments were intended to be made or not in the present Constitution. He felt impatient that, after three weeks session, no ques
tion had yet been taken on any proposition in which the people had manifested an interest. He had listened to various speeches from the most distinguished members of the body, of which he (Mr. Purviance) was but an humble member, and was not a little surprised to find that amongst the talent and distinction of the Convention, doubts were entertained of the extent of our delegated powers. The gentle
man from the city (Mr. Chauncey) had originated this question of power—a question debars the record, and not in the least connected with the subject under consideration; but from the high source of its emanation, it has become the text of several days' commentary, and necessarily now claims the regard and consideration of the members generally. If I mistake not, I understand that learned gentleman to say, that the people have, at no time, voted in favor of an alteration of the existing Constitution. Sir, (said Mr. P.) the vote of the people for a Convention, was a clear and explicit decision of the question. Every vote in favor of the call of a Convention, was equivalent to a direct vote of the people, that the Constitution should undergo alterations and amendments. Every citizen who voted in favor of the call, thereby indicated his desire that the defects of the present instrument should be remedied; and, in pursuance of that desire, declared themselves for a Convention, as the only legitimate mode of having amendments presented to their consideration. Can it be said that any one who voted in favor of a Convention, was against any and all amendments? Certainly not—as this would presuppose, on the part of the people, an entire ignorance of their fundamental law.

On the other hand, it does not follow that those who voted against a Convention were, of necessity, opposed to all alterations. First operated with some, and the constant apprehensions of danger stimulated others in their opposition to the primary measures, which can have no influence with them now, in passing upon judicious amend
ments, when such shall be made and presented to them for ratification. But whilst on this branch of the subject, I would refer to the argument of another distinguished gentleman from the city, (Judge Hopkinson,) that the forty thousand votes which were not polled, were to be considered as indifferent on the subject. I take the con
cession of the learned and venerable gentleman that such was the case, and then appeal to him to say whether such indifference on a subject of such vast importance, does not argue a degree of unwillingness, how ever small it may be, that a Convention should be called. I think it is fair to agree that, if any portion of these forty thousand were either well satisfied with the present Constitution, or very hostile to the holding of a Convention, from apprehensions of the dangerous extent to which they might be carried, they would have manifested these feelings in the manner pointed out by law, by voting against the call of a Convention. Sir, it seems to be agreed on all hands, that these delinquent voters, were, upon the election ground, and from some reason unknown to any but themselves, declined the exercise of a most invaluable privilege on this most important occasion. Apply to these voters the principle which is applied to almost every transac
tion of life; and they would be justly claimed as having given their assent to that which they were unwilling, by the present means, to avert. I refer to the principle spread upon your statute books, and which are to be found amongst the decisions of your courts in the last resort. A vested right, the title to reality may become divested forever by the silence of the owner, under particular circumstances,
CONVENTION PROCEEDINGS.

(Continued from Friday.)

[Mr. PURVIANCE continued.] The owner of a tract of land who is present at a judicial sale of his property, or the property of another, and who remains silent, loses forever the best right which can be conferred by any government. The same principle runs throughout almost every other proceeding: the law provides the formula of notice, &c., which, if not attended to, operates to the prejudice even of the best vested right. This principle, sir, is founded upon the legal presumption that he who withholds his assent, having full notice of the proposition, is to be considered favorable, and not hostile to the measure proposed. Apply, then, this principle to the delinquent votes, and you have, instead of thirteen thousand of a majority for a Convention, upwards of fifty thousand. The argument cannot be restrained in any other way, than by that suggested by the gentleman from the county, not now in his seat, (Mr. Earle.) Restrain it as you may, and it will still have to be received as prima facie evidence of their willingness, that a Convention should be held.

But, sir, if any thing were wanting to carry this argument out, and to maintain the position I have assumed, the representations made by the gentlemen from Bucks, Centre, and other counties opposed to a Convention, should be sufficiently satisfactory. They state that, in some of the counties, the ticket in opposition to them was pledged against reform of any kind; and yet in the county of Bucks, the gentleman on this floor, who are friends of an alteration, were elected by three thousand four hundred of a majority.

The gentleman from the city (Mr. Chauncey) has further said, that the people were sluggish on the subject of reform. Sir, from the county which I have the honor in part to represent, a petition was presented by our then representative, some years ago, to which, if I mistake not, the names of near fifteen hundred citizens of our county were appended, calling for the very reforms so much desired by myself, and such as I believe will be ultimately fixed upon by the Convention, as the reforms proper to be presented to the people. About the time referred to, a number of the counties of this Commonwealth, called a Convention on the subject of reform, in which I had the honor of a seat with delegated power, to wit: To urge upon the Legislature of the State, the necessity of providing for the call of a Convention, that certain alterations might be made in the present Constitution—and, sir, with regard to those alterations, I think I can say without hesitation, that I am fortified by a knowledge of their wishes derived from intercourse and interchange of opinions on the subject. Their wishes accord with my own, and yet I do not conceive that this could affect the relative position we occupy as members of this body. I agree with the respectable gentleman from Susquehanna, (Mr. Read,) that we ought not, and in fact cannot, adjourn without giving to the people the amendments they desire. We are delegated to propose amendments to the Constitution, and a majority of the whole people have said, that such is the specific duty assigned to our care. I was not a little surprised to hear the doctrines of the gentleman from Lebanon, (Mr. Weidman,) that because the counties represented by him were opposed to a Convention, he is but carrying out their instructions in opposing all reform. I ask that gentleman whether he is not now the representative of the whole State, and bound to carry out the views of a majority of its votes? Suppose a majority of the people of the State had, in any way, by petition or otherwise, expressed themselves favorable to a certain amendment, I would ask the gentlemen as well as from Lebanon, (Mr. Weidman,) as from the city, (Mr. Chauncey,) whether they would not conceive themselves bound to carry out the views of a majority of the people? Sir, I so far hold to this doctrine, as to believe that if a majority of the people of Butler county had been against a Convention, and yet a majority in the State for it, that I would have been bound to carry out the views of the State; otherwise a large majority of the people of the State might be thwarted in their views of public policy by a minority. Suppose, sir, that a number of counties send a majority of delegates to this body, and that in their counties a small majority is to be found against reform, and the remainder of the counties having a minority of the representatives here, should have given fifty thousand majority for a Convention, cannot the gentlemen readily perceive, that if the delegates from such counties were to adopt the views of the gentleman from Lebanon, the will of a decided majority of the people could be entirely destroyed? I cannot believe in such doctrine. I call upon the gentleman from Lebanon (Mr. Weidman) to examine his letter of attorney, and he will find that instead of being signed by his own constituents, it is signed by eighty-five thousand freemen—and that instead of authorizing him to oppose amendments to the Constitution, it specifically empowers him to propose amendments to that instrument. I am happy, sir, to find the colleague of that gentleman, (Mr. Schuyler,) who is from the same county, differing with him in opinion on the great subject of reform, and on the question of our respective duties and powers.

Sir, I will add a few more words, and I have done. Much has been said about the present Constitution being approached with solemnity. To some extent, I may appreciate this reverence for that
Mr. BONHAM, of York, concurred, he said, with the gentleman from Allegheny who had just taken his seat, in his views as to the powers and privileges. The law, he said, was plain and simple in its terms; so much so, that he who runs may read. The law gives no authority to submit amendments, but does not compel us to submit them. He believed that the greater number of the members of this body were in favor of exercising the power thus given us, by submitting amendments. He could not see, then, why the discussion was prolonged, or why it took so wide a range. He had, for some days, heard a great deal of talk, and, in his opinion, much small talk, on this subject, which appeared to him to be of a plain and simple character. For his own part, he was anxious to get along with the business in a regular way. He wished to get through with it, without unnecessary delay, in order that he might return to his family. It was generally agreed, as to the fourth article now under consideration, that there would be no amendment to it. Probably four-fifths of this body were opposed to the amendment reported by the majority of the committee. He could not agree with his friend from Butler, that we were bound to propose amendments to the people, in any event. It might be possible, that, when we took up the several articles of the Constitution in order, some gentlemen may vote against any amendment to the first article, and yet go for an amendment to the second article. In this way, although every member might be in favor of some particular amendments, yet it might so happen that there would not be a majority in favor of any one amendment. He did not see how we should be required, in such a case, to make amendments.

He believed, however, that it was the wish of all to make some amendments, and that we could agree upon those that were chiefly desired by the people. He concurred with the gentleman from Philadelphia, (Mr. Chauncey,) that we should proceed deliberately on this matter; but by had known but one opinion expressed as to the disposition of members to agree upon some amendments. It had been a subject of congratulation with many, that the delegates were so nearly divided into parties, because it was hoped that this circumstance would be found favorable to harmonious action, and enable us to present to the people, for ratification or rejection, such propositions as might be of a voluntary nature. All the members of this body had, he believed, made up their minds as to the course they would pursue; and why, he asked, should we continue to waste time upon this subject? Why would not gentlemen consent to drop this debate, and proceed to act on some of the amendments? It was much to be hoped that we would go on and effect our business. About eighty resolutions were on our files; and, if we spent so much time upon each of them as we have upon this, they would occupy us two or three years. He felt a good deal surprised at the wide and boundless range of discussion which had been taken, and that no check had been attempted to be imposed upon it; and he hoped that we should go on with more system, and not engage in discussions on matters so irrelevant to the business before us. A great deal had been said about the votes of different counties for and against a Convention; in his county, only two hundred and twenty-three voted for the call of a Convention, and three thousand two hundred and thirty-eight against it; but this had not convinced him that they would be opposed to all amendments. He had heard but one sentiment after the election, and that was, that some changes were expedient and proper. One view, taken by the people in his county, was, that the appointment of county officers ought to be given to the people; and this would be a relief to the Governor and satisfactory to the people. The people were in favor of some reform, though not of uprooting the Constitution entirely.

Mr. STERIGERE said: Mr. Chairman—after the long debate which has taken place on this subject, in which almost every thing, except the real question, has been discussed, and so much impatience manifested to put an end to it, I do not expect the attention of this body. It may seem presumptuous in me to enter the arena, in opposition to the able and distinguished gentlemen who have addressed you, and I do not expect to successfully combat their positions. Nor have I the vanity to believe that any argument I am able to present to him, will overturn the convictions of any gentleman here, or change a single vote. I believe the mind of every member is fixed. I do not, therefore, rise expecting to convince any one, but to give my reasons for the vote I am about to give, and to justify myself to my constituents; for I take it for granted, that all the long speeches we have heard, as well as my own, are addressed to the people at home. I think it requires no prophet to foretell the result of our deliberations. If I correctly read the signs of the times, the proceedings of this Convention will end in nothing, or nothing that will satisfy public opinion in reforming the Constitution. It seems to me that the majority has determined that no amendments shall be made.
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formed and the eonduct of the sixty-six unpopular. Inospecches on in his breeches pocket with the other counties which had given ma-

scheming pelitiari.5;" This coume in this Convention, ha6 been fol-

it advisable to propose; and I had hoped we should commence our
proceedings in such a spirit of compromise, as would result in some
good to the community. But in this I was disappointed. When I

For two weeks, this body has been engaged in discussing this
question. Soon after its commencement, the whole character of the
debate was changed by a prominent leader on the other side, by the
introduction of topics foreign to the question at issue, which thus car-
ried us not to see, where we have ever since been floating about,
without compass or rudder, and have not been able to get back again.

For what was this done or designed? Why, sir, to enable the
leaders, by the kind of debate we have witnessed, to mature and
fix the minds of the majority against any action. To that purpose
it seemed to tend, and was meant to tend. We have scarcely heard
of the question to be decided since the discussion began. It has
been so entirely forgotten, that the gentleman from Adams, after
replying to the arguments he had heard, on being informed by the
Chair what the question was, replied he had nothing to say about
that.

Other means have been resorted to, to render the question of re-
form and the conduct of the sixty-six unpopular. Inospecches on
this floor, the amendments proposed by one of the most distinguished
members of the Convention, have been compared to the "harrangncs
of raw Irishmen in town meetings," and "inflammatory declama-
tions;" denouced as "documents calculated to produce disorder,"
and which "dishedonh the principles of politicians from the wilds
of Missouri;" as worse than the "wildest schemes of the maddest
and most cliemical projectors," and united only for the Jackades
of the polluted puritans of a city!" and as "dreams and vagaries of
scheming politicians." This course in this Convention, has been fol-
lowed up by the newspapers opposed to reform, and backed by letter
writers. These things are all meant to forestall public opinion, and
intended to bring into contempt and ridicule the propositions and pro-
ceedings of the party in favor of reform, as well as all amendments to
the Constitution.

The Chairman again interfered and said, the gentleman must con-
fine his remarks to arguments before made, and could not introduce
new subjects.

Mr. STERIGERE continued: It seems strange, that after allow-
ing the latitude of debate which has been taken, I should be precluded
from the same course. I still think I have an undoubted right to fol-
low the example which has been set by others; but as the Chairman
has decided I shall not, I will submit, and refrain from the remarks I
had intended to make, which are excluded by the restriction imposed
upon me.

Most of those who have preceded me, have abandoned the simple
question before the chair, to viz.—whether two-thirds, or only a ma-
ortality, should be required to convict on impeachment, and have en-
terained us with long and learned speeches on the powers of this Con-
vention, and our right to sit here, about which there has been scarce-
y two opinions. Although able, it seemed to me to be an uncalled
and useless debate. If any gentlemen had taken up their hats,
and were about to leave us, such arguments might have been address-
ted to them. But there has been no evidence of such an intention,
or was it material to decide whether we assembled by virtue of a
vote of the people, or of the Legislature. We are not here in oppo-
sition to either; but by the vote and consent of the people, and of the
Legislature, ch I by our own consent. I confess I was a little alarmed
the other day, when the gentleman from Lebanon (Mr. Weidman)
proclaimed himself the representative of 800,000 citizens of this Com-
monwealth; for if that was correct, many of us had no right to seats
here; and I was particularly startled at his putting old Montgomery
in his breeches pocket with the other counties which had given ma-
orities against the call of a Convention.

It is conceded on all hands that we have no authority but to propose
amendments, to be revised and adopted, or rejected by the people. It
has been agreed by the people, the Legislature, and ourselves, to as-
semble for that purpose and no other. If we were to take upon our-
selves to make amendments, or establish a Constitution, without sub-
mitting it to the people, as the Convention of 1790 did, it would be
an usurpation. Although complaints against the Constitution have
long ago been made, and a large portion of our citizens have been in
favor of alterations, as a body, the people have preferred enduring
these evils, rather than run the risk of having a worse Constitution
imposed upon them. They have been importuned to consent to a Con-
vention, and agreed by their representatives, that if a majority con-
ented thereto, a Convention should be held to deliberate on amend-
ments supposed to be necessary; and afterwards they would take the
matter into their consideration. They have sent us here to deliberate,
consult, and advise together, and give them the result of our judgments, reserving to themselves the right to take our advice or reject it, after they heard what we had to say on the subject. This was the sum and substance of the matter.

I apprehend that by no vote given by the people, have they decided on any specific amendment, or given instructions: it is a matter about which no instructions could be given, or sentiment expressed until the specific amendment was submitted; and hence they have reserved the right to revise and adopt, or reject what we do, which is better than instructions. Still it is impossible any gentleman can be ignorant of the public opinion in his district, in relation to amendments generally, by which he may regulate his votes. This Convention has no power to bind or control the people, by any amendments they may propose; but they have the power to control the public will, by refusing to submit any amendments for the consideration of the people.

When I accepted the trust with which I have been honored, I felt it to be a difficult and responsible one. This was much lessened by the reflection that what I might do, would not be binding on the people, until approved by them. Under these circumstances, I will go further than I would if my acts were not to be submitted for revision. I think I cannot be much mistaken in public sentiment on this matter in my own county, and have some knowledge of it through the State. The public sentiment in favor of several material changes is very general; and I am much mistaken if the small matter proposed by the gentleman from the city (Mr. Hopkinson) will be considered satisfactory.

The rule I have laid down for myself in recommending amendments, is to agree to such only as I believe right in themselves, and would approve if I were to be always in the majority, always in the minority, always in office, or always out of office, and the humblest individual in the State: I know no better guide.

The article of impeachment, now properly under consideration, applies to the Governor, and "all other civil officers under this Commonwealth"—persons holding offices during good behaviour, as well as those holding for a term of years. The question, so far as it has been argued at all, has been argued as respects judicial officers only; and perhaps properly. There has been no attempt to impeach any other officer under the present Constitution: as to such it has been a useless provision: their short terms of office have kept them entirely under the control of the people. As to the judiciary, I confess I think it might be dispensed with altogether, as another part of the Constitution provides for the removal of judges and justices. It is unnecessary to have two remedies, or means, for removal. It is unnecessary for punishing for criminal conduct in the officers. I would not impeach in order to punish for misdemeanors in office, but punish these offenses like other offenses against the law. This article has always been resorted to for the mere purposes of removal.

This proceeding is not of American growth: it is borrowed from the British Constitution. We have taken this article from the Constitution of the United States, and incorporated it in our own, without any necessity. By the Constitution of the United States, the officers who do not hold at the will of the President, are removable only by impeachment. There is no removal by address of the Legislature, as in Pennsylvania. In England, as well as in the United States, the tribunal to try impeachments is the strongest branch of the Government. It was intended to that branch under the idea, that the ordinary courts of law and juries, would be too weak for the trial of great offenders. That is not the case with us now, and as the reason for this article has ceased, the article should be abolished altogether.

If, however, we retain this clause, we should make it of some practical utility, by requiring only a majority for conviction. I have heard no reason for requiring two-thirds. This is not founded on my hostility to the Judiciary. I am as warmly attached to that department of our government as any man. It should be dear to us all. The operations of no branch of the government is seen and felt so much. We are all interested in throwing a shield around it for its protection. It is the sheet-anchor of all our rights, liberties, and property.

I am, also, in favor of an independent Judiciary, in its proper sense. This, however, does not depend on the tenure of the judge, or his liability to removal and punishment for misdemeanors in office. It depends on the character of the judge. The principle must exist in the soul. In a judge, it is a conscientious discharge of his duty, without fear, favor, or affection. Tenure can neither create nor take away independence in an officer. Some men could not exercise an independence, if placed beyond the control of the people, and above the Constitution and the laws—while others would do so, if the office was held on a monthly tenure. Most of the officers of this State hold their offices for a short period, and have shown quite as much independence in the discharge of their duties, as those who are appointed during good behaviour. The present Governor of this state is an instance to show that the term of office has nothing to do with the independence of the officer. He holds his office for three years, yet he has shown a remarkable independence in the exercise of its duties; and, in my humble opinion, a little too much independence.

I listened with attention to the remarks of the gentleman from Bucks (Mr. M'Dowell) on this subject. I think his arguments remain unanswered and are unanswerable. So far, this provision has been a dead letter: Was it designed to be so by the framers of the Constitution of 1790? If it was, it has entirely answered the purpose. It has been a dead letter, because two-thirds, an unreasonable majority, are required for conviction and removal.

We have been told this article has worked well; that no judge has been acquitted who ought to have been convicted; that there is no dissatisfaction with, nor complaints about this article. So far from this being correct, it has not worked at all. There has been but a single conviction for near fifty years, although impeachments have been numerous. This has been the cause of more dissatisfaction and complaint than, perhaps, all the other provisions of the Constitution.

From what cause has the anxiety to limit judges and justices to a term of years, which pervades the whole State, arisen? From the difficulty, nay, impossibility of getting rid of bad officers under this two-thirds system. The people wish some remedy, and that of limiting the judicial tenure, by an amendment to the Constitution, has presented itself to them as effectual. This has been the chief reason, in
many places, for desiring a Convention. I admit a large portion of
the community desire other grievances removed; but these would
have been borne a while longer. I have no doubt a much larger
number of the people, than the majority in favor of a Convention,
were induced to vote for it, for the reasons I have mentioned. It
must be observed that judges could have been convicted and removed by a majority. I do
not believe we would now be assembled in Convention. Impeach-
ments and trials of judges in this State, have been a perfect farce—a
mero mockery. I have witnessed several of them myself, and taken
a part in some of them. There have been too many instances in
which the petitions, remonstrances, complaints, and proofs presented
by the people against the judges, have been entirely disregarded
and set at defiance under this article—and the judges, with blackened
and stained characters, which rendered them unfit for their stations,
been sent back to wear the crimson, administer the laws of the land,
and deal out justice among a people whose confidence they had lost,
and among whom the Judiciary of the State was thus brought into
disgrace.

Are such things calculated to secure the regard and affections of
the people for their government? The best mode of securing these
is to afford the people an easy mode of ridding themselves of bad
officers. It is of more consequence that public confidence in our
Judiciary should be unimpaired, than that a judge should escape.
I am, therefore, in favor of conviction and removal on impeach-
ment by a majority. The Constitution of 1776 required only a ma-
jority: in Great Britain, only a majority is required; and, for intro-
ducing into the Constitution of the United States the provision re-
quiring two-thirds, no reason can be given. The Federalist, which
was written to secure the adoption of that instrument, furnishes no
fact or argument for this change. To require a majority only, is more
in harmony with our institutions. Under this provision, it would re-
quire fifty-one members of the House of Representatives and sevem-
teen Senators, to convict and remove any officer. This would affor-
d ample protection to good officers. Such would have no cause to
fear: there would be no cause of conviction and removal without
cause. The senators, although elected on party grounds, are usually
very respectable men, who, under their oaths, would do injustice to
no one. My belief is, that even with a majority, many would escape
who ought to be removed. If even a good officer, once in fifty years,
should happen to be removed unjustly, that would be more than
counterbalanced by the advantage to the public in ridding them of un
fit officers.

We must view this with reference to public considerations—with
a view to the interests of the community, not that of the officer. The
officer holds and exercises his trust for the benefit of the people, not
for his individual benefit, and when a majority of the people's repre-
sentatives pronounce him unfit, he should hold it no longer. There
may be no more correct or reasonable evidence of his unfitness. No
man would be appointed to any office in opposition to such majority.
Then why should he hold it after such evidence of the want of public
confidence and unfitness?

In opposition to reducing the number from two-thirds to a majority,
I think the argument has been drawn from the trial by jury, in which unani-

mity is required. I do not think that the proper criterion. In grand
juries, the voice of twelve, and not of the whole, is sufficient to put
a man on his trial. That is often a mere majority. It requires
twelve also to convict. In impeachments under the amendment, it
will require the vote of fifty-one to put an officer on trial, and seventy-
ten to convict, instead of twelve.

As to the injustice to the incumbent, he received his office on the
condition of discharging it with fidelity. The injustice in this case
is no greater than when a man is turned out or left out of any office
by the people, or dismissed by the Governor, as he may be under
the present Constitution. This argument, in its extent, goes against
all removals: And I cannot see if there be any injustice in removal
from office, that this is less to the incumbent when done by two-thirds,
than when done by a majority. It would be better to abolish this
article altogether than to retain it as it now stands.

Some gentlemen are in favor of further alteration, so as to reunite
the judgment to mere removal from office. It has never been carried
further, and I presume it never would be. I have no objection to
this—not because I have any sympathy for men who had perjured
themselves, betrayed their trusts, and been guilty of misde meanor
in offices, or think they should be exempted from punishment; but because
a conviction on impeachment would be a foul degree, and becaus
I am confident a disqualification to hold office would be unnecessary,
as the people would take care he should never betray another public
trust. Such a convict would wander about an outcast from society,
and never regain the public confidence. For the correctness of this
opinion, I can point to a conspicuous instance, an individual once high
in the public confidence, who held the second office in the union.

Mr. BROWN, of the county of Philadelphia, said it had not been
his intention when he entered the Convention this morning, to say
one word to the committee on the subject which it would have under
consideration, as he felt entirely indifferent as to the result; but what
had fallen from the gentleman from the city of Philadelphia, (Mr.
Chauncey,) and the gentleman from Allegheny, (Mr. Forward,) he
could not suffer to pass without notice. He would not, he said,
trouble the committee long, and would pledge himself not to say one
word about the "independence of the Judiciary," or the "article of
impeachment;" subjects which, though they had excited attention
in the beginning of the debate, seemed to have passed into the "recepti-
ble of things lost upon earth," until their spirits had again been called
up by the gentleman from Montgomery (Mr. Stergere) from that
"vasty deep." Mr. B. said he had looked upon the debate for
days past, as a dispute about words, rather than things—or
rather from calling things by their wrong name. Gentlemen had
been discussing the powers of the Convention, when, in fact, there
was no difference of opinion upon this subject; but under this term,
they had gone into an examination of the duties of the members
of the Convention, and this was the real cause of debate, and not the
powers of the Convention. All agree that we have power to propose
any and all the amendments we please for the consideration of the
people. No one thinks we have any other power. But the gentle-
man from the city (Mr. Chauncey) seems to think that somebody
has said, that it is the duty of this Convention to propose amend-
men, and that every member is bound to agree to such amendments; and as that gentleman and his constituents think no amendments of any kind are required, he finds that supposed obligation of duty to did want when they called the Convention. But I remind gentle-

people of the whole State, conflicting with what he deems due men that there is a great difference between making no amendments to his immediate constituents and his conscience. To those gentle- and making some amendments. The people have required the latter men whose notions of duty thus conflicted, he would leave it for them from us—we are here for that purpose—and we will be derelict to settle with themselves; for himself he occupied no such position: our duty, if we do not faithfully perform this duty. Sir, said Mr. his conscience and his constituents approved the amendments he be-

B., I will not attempt to prescribe to the gentleman from the city, lied were required by the people of the whole State, and such as he had no doubt they would approve. The gentleman from Alleghen-

y (Mr. Forward) had animadverted severely on the argument of his (Mr. B.'s) friend from Butler, (Mr. Purviance,) who, though he differed from him in party names, he was happy to say, he agreed with him fully in political opinions; and what, said Mr. B., had the gentle-

tman from Butler asserted, that seemed so monstrous in the eyes of the gentleman from Allegheny? He said that it was possible a minority of delegates might be elected here opposed to amendments, when a large majority of the people might have previously deter-

mined that amendments to the Constitution ought to be made; and under such circumstances the gentleman from Butler thought it would be the duty of the members of the Convention to carry into effect the popular will. Does the gentleman from Allegheny think this is such monstrous doctrine? If, said Mr. B., they would go back into the history of this Convention, they would find it owed its existence to this doctrine. You, sir, said Mr. B., would not be in that Chair nor we here, if any other doctrine had prevailed. Look at the votes calling this Convention: they were on every gentleman's desk, and they would show that the counties that voted against the call of a Convention, had sent up to this hall, with their votes, 63 members of the same opinion. Suppose, said Mr. B., these 63 members, be-

ing a large majority of the lower House of Assembly, had disobeyed the voice of the people of the State, as expressed by a majority of the voters, and had carried out their own opinions and those who elected them, would they have done right? And yet, such is the doctrine of the gentleman from Allegheny, and the gentleman from the city.

But the gentleman from the city (Mr. Chauncey) says he will obey the voice of the people; but it must be their aggregate voice, expressed by a majority, and not what gentlemen may say is the voice of the people, gathered from their constituents in one or the other parts of the State. He, Mr. B., agreed with the gentleman from the city, he too yielded obedience to the aggregate voice of the people as expressed by a majority; and by what authority are we here, but by that of a majority? And for what purpose have they spoke this Conven-
tion into existence? That majority have told us to "propose amendments to the Constitution." Look at the set of the Legis-

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ity, and that gentleman is a lawyer and I am not; and what does it say! Does it say the Convention shall assemble to "deliberate," and if they think proper send back the Constitution unamended? No such words are there. It is to "propose amendments!" But, says the gentleman from the city, what are the amendments we are required to "propose?" One says one thing, and one says another—the gen-

tleman is welcome to this argument—we are here to propose some amendments, such as gentlemen think in their judgment the people any kind are required, he finds that supposed obligation of duty to did want when they called the Convention. But I remind gentle-

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we had lived so happily for fifty years. Is the gentleman serious in this? Does he think that we should elevate ourselves, or those we represent, if, after fifty years complaint of that instrument had proved its imperfections; if, after 80,000 of the voters of Pennsylvania had said that amendments ought to be made to it, and had assembled us here for the purpose of proposing them, we, their representatives, because we happen to be elected by districts, by separate portions of the people, and not by a majority of the whole people, take upon ourselves to dictate public expressed voice at distance, and send back to them the present Constitution, with all its defects, and thus say to them we know better than you what kind of a Constitution you ought to have! Does the gentleman think this would elevate the republican character? No, sir, said Mr. B., let me tell that gentleman it would sink the character of the people of Pennsylvania; it would sink the character of all representative governments; it would prove that our declaration of rights, that the people have a right to alter their form of government, was all a delusion, all a dream. It would prove that the supremacy of the people was a by-word; that they were subservient to their representatives, who despised their voice, and rejected their mandates.

Mr. CLINE, of Bedford, said he did not rise to make a long speech, nor should he have risen at all, but for the purpose of expressing his disapprobation of the wide and unlimited range which the debate before the committee had taken. It was true, that he had, at first, been in favor of settling the question with respect to the powers of the Convention, but he thought that question so simple in itself, and so perfectly easy of solution, that he could not but express his surprise that gentlemen should have seen proper to debate it with so much labor and enthusiasm. He thought a fair solution of the question could be more readily arrived at by making a proper use of a little common sense, and the reasoning powers with which we were gifted, than by referring to antiquated authorities, and deducing inferences from sources wholly inapplicable and irrelevant. For an explanation of this seeming difficulty, we had been carried back something like two hundred years, and we had been referred to data from which no certain conclusion could be drawn. What had we come here for? Was it not for the purpose of deliberating on the propriety of submitting some proposed amendments to the people? The question had been fully solved by the gentleman from Allegheny. Our proper duty was to deliberate, and in this we were restrained by no law, or wish of the people. But, he could not agree that we were bound to submit amendments for the consideration of the people. Should we come to the conclusion that the Constitution needs no amendment, we might send it back again to the people as we had received it.

Mr. C. had more especially risen for the purpose of depreciating the waste of time which had necessarily followed from the manner in which this profuse and useless debate had been pursued. He had heard it said, more than once, that there were two parties in the Convention, a conservative and a radical party. But, he believed, the members might be divided into three classes. There was a timid and hesitating class, who were for doing nothing—there was a rash and experimental class, who were for destroying what he conceived to be the very best features of our present Constitution. But, besides these, there was a moderate class, who formed a decided majority in the Convention. Men's opinions must be made to yield to each other. He hoped it would be so here, and he hoped that it might not be thought necessary to discuss every question in the same manner that we had discussed the one before the committee. Where were our labors to terminate? Unless gentlemen should impose some restraint on themselves with regard to this license of discussion, we could not conceive when we should end. He thought we ought to think more, and speak less.

Mr. PORTER, of Northampton, said that, some two weeks since, he had moved that the Convention resolve itself into a committee of the whole on the Constitution, to consider the article by article. If that was done, it would be at one end of it, and that was the beginning, and so go regularly through it. But he was overruled, and the Convention determined to begin somewhere about the middle. We were now at article 4: And the simple proposition on it was, whether we should leave the existing provision requiring two-thirds to consent to an amendment, or change it so that a bare majority would be sufficient, a proposition about which, it would seem, there were scarcely two opinions in this body. But the debate had taken a wide range, and we were found discussing the powers of the Convention, the proper tenure of judges, trying to find out who were the greatest friends of the people, and reading each other lectures on political consistency, which last was rather a delicate subject for some of us to handle. While on this subject, without digressing much further than some other gentlemen, he hoped he might be permitted, "just for information's sake," to inquire of the delegate from Franklin (Mr. Dunlop) whether the Convention at New York, of which that delegate spoke, was held before or after a certain distinguished edge tool manufacturer presented a certain Hatchet to the "Old Roman?" As it regarded this Convention and its powers, it occurred to him that the act of 1834-5, presented the question to the people, whether a Convention should or should not be held, for the purpose of proposing amendments to the State Constitution, to be submitted to the people! That a majority (a legal and Constitutional majority) had decided, that a Convention should be held for those purposes, and that then the act of 1836 was passed by the Legislature, prescribing the mode in which the Convention was to be held. This act of 1836 conferred no powers on the Convention. The powers were conferred by the previous act of the people, in the manner mentioned in the preceding one. Yet this act of 1828, was pretty strong testimony of what the people had done. They, by their representatives, one hundred and thirty-three in number, declared in the preamble to that act, "that the freemen of this Commonwealth have, by a decided majority, determined that a Convention should be held to prepare and submit for their ratification a new State Constitution, and that it was incumbent on the representatives of the people, promptly and without delay, to provide the means of carrying the public will into immediate effect." He had heard a great deal said about the "voice of the people—"the will of the people. For his part, he always thought...
that the will of the people was generally most Constitutionally, if not most clearly, expressed through their representatives, elected for that purpose; and here we had the declaration through their representatives of what their will was. This last act was good as regulating details. It professed to do nothing else, and as the Convention was called, it possessed all the powers necessary for the purpose which brought the members together. It possessed all the powers which the people themselves possessed, in relation to settling the principles on which the Government was to be administered. It did not possess all the rights of the people for all purposes; for there were certain rights which were invalid, with which the people could not, according to the Declaration of Independence, part. Not all that the people could do, this Convention could do. This Convention could do or propose nothing, which was repugnant to the Constitution of the United States. If they did, and the people ratified it, it would be perfectly nugatory—it would be inoperative and void. The Convention, too, was restrained by that moral sense which forbids us to do anything that is wrong—and after all—if we did what was contrary to the Constitution of the United States—or if we did what was morally wrong, the people ought to, and he trusted they would reject it. Within these limits, however, this body had all power and could exercise it, and when they had done so, all they did amounted to nothing, until a majority of the freemen of the Commonwealth passed judgment upon the expediency of adopting our note, and gave them their approbation. It really appeared to him, that the distinctions set up were distinctions without difference.

Mr. McDowell, of Bucks, said—Mr. Chairman: This is a vexed, ugly question, and I feel that the discussion of it has been carried to a very critical point. I fear, sir, that if it is pushed one step further, misfortune, sudden, and unexpected consequences will follow. These questions of power are always dangerous, and in this Convention, they seem to be of a tendency agitating, and more or less revolutionary. Sir, I do not like this discussion, because I do not know what is going to be its result. I came here under the apprehension, that I was vested with large powers, and like every other man, I am in such belief. I feel very sensitive at the prospect of any encroachment upon those powers. Sir, there is a little knot of people on the extreme eastern verge of this Commonwealth, as intelligent as any in this State, and as independent as they are intelligent, who have given me all the powers I have. I have, as the gentleman from Butler has said, their power of attorney. By that, I am armed strong in power, full and ample; and if any gentleman is lacking, perhaps I could lend him. I have all the power I want; and I now give notice to this Convention, that I mean to increase it just as I please—governed, by no other influence than a sound judgment, integrity of purpose, and the will of my constituents. I do not mean that any man, or party, in this Convention, shall prescribe my powers, or dictate to me, in what manner, or upon what subjects they shall be exercised. I derive no authority from the majority or minority of this Convention, nor do I mean to account to them for the exercise of any power I have. I am responsible to the good people of Bucks for what I do here, and not to the gentleman from Susquehanna. (Mr. Reagh) for the good people from the city, (Mr. Chauncey). I must discharge my duty faithfully according to the best lights I have. If my constituents see proper to vote down what I have done, then they will have discharged their duty, and nothing more. I hope the Convention will press this matter no further—it is a useless consumption of time, and if they do, I caution them against my pugnacity.

Mr. Chairman: I arose to offer terms of compromise, and not to make a speech. I wish to bury this scalping-knife of power that has been hanging over our heads for the seven last days. Averse as I am to smoking, I am willing to smoke the pipe of peace with all the members of this body upon this subject. Sir, I am not the first great man who has proposed a compromise, when a deliberative body was likely to be convinced. I have high authority for this course, and I hope I shall be successful. I propose that the vote be immediately taken upon the question before the committee—I mean the subject that ought to be before the committee. And as an inducement to this, I propose, that upon all subjects hereafter, every member exercise all the powers he has, or thinks he has, whether he has them or not. Mr. Chairman: if this compromise is not agreed to unanimously, I do not hold myself under obligations to vote for it.

The question was then taken on the motion of Mr. DISCROY, of Beaver, to strike out the words, "a majority," and insert "two-thirds," as the number of senators necessary to convict on impeachment, and carried in the affirmative.

The committee then rose, and the Chairman reported the report to the Convention without amendment, restoring the fourth article of the Convention to its original shape.

Mr. BELL then moved, that when the Convention adjourn, it will adjourn to meet again on Monday morning at 9 o'clock, which was negatived.

The Convention then adjourned.

SATURDAY, MAY 27, 1837.

Messrs. WEAVER, KEIM, THOMAS, SNIVELY, and ROYER, obtained leave of absence for a few days.

Mr. SHELLITO remarked, that some limited time should be put to the term, for which leave of absence was granted, or we might find ourselves here without a quorum.

Mr. CUMMIN said an adjournment would give more satisfaction than to be left here without a quorum. He thought we might as well adjourn.

Mr. RITTER presented a memorial from the citizens of Philadelphia county, praying a constitutional provision, in relation to banks and currency, which was laid on the table.

Mr. SAEGER offered the following resolution, which was laid on the table and ordered to be printed:

Resolved, That after the adoption of this Constitution, no bank, or banks, shall be chartered or re-chartered, unless the Commonwealth holds, or take not more than one third, nor less than one-fifth of the capital stock thereof, nor shall any of said banks divide more than seven per cent. per annum, of profits among its stockholders, one and
CONVENTION PROCEEDINGS.

(Continued from Saturday.)

Mr. PORTER, of Northampton, asked whether the rules did not give precedence to the matter reported by the committee of the whole?

Mr. DENNY had understood that it had been urged to precede with the reports of the several standing committees in order, and after maturing them in committee of the whole, to postpone their second reading until all the articles were gone through with.

Mr. PORTER assented to this course.

The motion of Mr. DENNY was agreed to.

First Article.

The Convention resolved itself into a committee of the whole, Mr. PORTER, of Northampton, in the Chair, and took up for consideration the following reports from the committee on the first article:

That it is inexpedient to make any alteration in the 1st, 3d, 4th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, and 25th sections of said article.

That the 10th article be so amended as to read as follows:

The General Assembly shall meet on the first Tuesday in January, in every year, unless sooner convened by the Governor.

The committee on the first article of the Constitution beg leave to make the following report, that the fifth section of said article be amended, so as to read as follows—

Sec. 5. The Senators shall be chosen for three years by the citizens of Philadelphia and of each county, respectively;

Amendment to the second section of the first article:

Section 1. The representatives shall be chosen annually by the citizens of the city of Philadelphia and of each county, respectively, on the fourth Monday of October.

Amendment to the fifth section of said article, so as to read as follows, viz:

Section 5. The senators shall be chosen for three years, by the citizens of Philadelphia, and of each county, at the same time, in the same manner, and at the same places, where they shall vote for representatives.

The committee further report, that it is inexpedient to make any alteration in the 6th, 7th, 8th, 23d, and 28d sections of said article.
Mr. REED moved that the committee rise, report progress, and ask leave to sit again. His object in making the motion was, he said, to move in Convention, to report to the committee on the subject, with instructions to present their report in an engrossed form, with the whole of the articles to be acted on fully finished. It was very clear that much confusion and embarrassment would arise from considering these several distinct reports, particularly in offering amendments.

Mr. DENNY remarked, that when one section was proposed to be amended, it was only necessary to refer to it. He supposed we should take up each section of the first article by itself, and then amendments could be offered to each. The reports had been on our tables for several days, and he hoped we should proceed to consider them without further delay.

Mr. REED said his object was to prevent delay. The course which he proposed would save much time.

The CHAIR stated, that so much of the report as related to the first section, would first be considered, and so on with the other sections of the article.

Mr. CLARKE, of Indiana, said, if the motion prevailed, all the committees should be instructed to report in the engrossed form: it would facilitate the business very much.

Mr. STERIGERE said, after all it was of no consequence whether the committees reported in gross, or on each section. It had been settled here, by an explanation of the rules, that the whole article was brought before the committee by taking up the reports upon that article. Then each member would offer what amendment he chose to the article; and the amendment would stand on the same footing as the recommendation of a committee, except so far as the opinion of the committee might carry with it more weight.

Mr. MEREDITH expressed the opinion, that the recommendation, for the purpose suggested, was wholly unnecessary.

Mr. BROWN, of the county of Philadelphia, said he hoped the committee would rise. He had looked at the reports of the standing committee on this article, and to him they seemed to present the subject in a way not easily understood. The first report contained the 1st, 3d, and 4th, and then passed on to the 11th, 12th, and 24 sections; thus presenting the article of the Constitution in a very irregular manner. He said it was his purpose, should the committee rise, to endeavor to have the article of the Constitution itself brought before the committee, to be taken up in the order in which it is there numbered, and then the reports of the standing committees can come in as amendments; but should they go on, he said, to consider the reports themselves in the entangled or mangled form they were reported, they would at every step meet with difficulties, and their whole proceedings would be "confusion worse confounded."

Mr. BELL said it would be recollected, that Monday had been fixed for the consideration of the 5th article, and it was not to be presumed that, if we took up the 1st article now, we could finish it to day. He hoped, therefore, that the committee would rise.

Mr. DENNY vindicated the course proposed by the committee.

Mr. CHAMBERS said he did hope, that, after spending so much time in disputing about mere matters of form, we should be ready to proceed to business. Nothing was to be gained by sending the reports back.

Mr. Dickey was in favor of committing the reports, for the purpose of having them put into due form. The report No. 7, drawn by the late speaker, was, he said, in due form, embodying the several sections referred to in the article, so that it could be acted on understandingly.

Mr. READ said it was plain, that no two members understood the matter alike.

After some further conversation on the subject, the motion that the committee rise was rejected.

The first section of the first article being under consideration—Mr. INGERSOLL moved to amend the article by introducing the following as the 1st article:

**Article First—Distribution of Power.**

The respective powers of Government, legislative, executive, and judicial, are, by this Constitution, severally distributed and established in three distinct branches, viz. a Legislature, a Governor, and a Judiciary: Neither of which separate branches shall exercise the authority of either of the others, except where this Constitution so directs.

Mr. INGERSOLL said the principle was so well settled in all Constitutions, that he did not see why it should not be introduced here. The distribution of power was thought essential by all writers on the subject of Constitutional law, though it was not provided for in terms by the Federal Constitution, yet Mr. Madison has expressed the opinion that it was there in effect. What rendered it still more essential to introduce it into our Constitution, was, the fact, that a judicial tribunal, in a case to which he referred, had expressed the opinion, that the distribution of power, under the Constitution of this State, was not well defined.

Mr. SERGEANT said, that unless some strong reason could be offered for the amendment, it ought not, in his opinion, to be adopted. It was, he thought, the sense of the Convention, as expressed on the subject of oaths and impeachments, that changes should not be made except where they were expedient and necessary. Unless the gentleman would offer some cogent reason, and one that was satisfactory to his own mind, he thought we had better leave it as it is. There had been no instruction, no expression of any wish on the part of the people, for this change. If the proposition worked no change, it would then be mere blank paper; and if it did make a change, then it must be some alteration which no one anticipated. If it was to be a material change, we must consider what will be its effect. He was satisfied this Convention was not going to be rash, though not difficult where change was manifestly wanted. An alteration of the present understanding, as to the distribution of powers under this Constitution, which understanding had been acted on for forty years, must have the effect to give more or less stress to the powers of one branch than it now had. He illustrated his views by stating a case, occurring in the county of York, wherein the Legislature, for the
ends of equity and justice, had been obliged to exert a power having a slight tinge of judicial power; and the supreme court of the United States had decided it to be a Constitutional act. He believed that the Constitution of 1790 had been advisedly framed, and by wise men—although it had been said here, that the young men of this day had more political experience than they had.

At the time when this Constitution was formed, men's minds were drawn in a remarkable degree to the subject of government. These men had, for a long time, given much attention to the principles of government. They had gone through a crisis when their feelings and interests were engaged in it, and their lives depended on it. In Burke's celebrated speech on conciliation with America, which would be remembered by all, the public men of America of that day were placed above all others in relation to that matter. We, on the other hand, having lived in tranquil times, had not felt the necessity of making ourselves so well acquainted with the subject. It was very true, that some of those men were lawyers—a circumstance which had been considered prejudicial to the instrument. James Wilson, one of the first on the list, was a lawyer, and one of extraordinary talents, and was supposed to be rather too democratical at that time, being in favour of a frame of government which was then thought too weak. Several of these framers were afterwards governors of the Commonwealth. Would this body ever furnish half the number of governors?

He had heard it said, that Judge Blackstone, by his apprentices, made this constitution. Was that so? Was Thomas Mifflin, the President of the Convention, an apprentice of Judge Blackstone? He was not a lawyer, but his ardour in the cause of liberty was so strong as to break down the conscientious scruples of his sect, and carry him into the field. Simon Snyder was another of the members, who was afterwards, for nine years, governor of this commonwealth. Was he taught by Judge Blackstone? Chief Justice McKean: was he an apprentice? James Ross was a lawyer—yes, an eminent lawyer: But what else had he been? A distinguished senator; and three times a candidate for governor, and with such a vote as, although in the minority, was highly honourable to him. John Smith was another of the members of that body. William Findley, one of the most extraordinary men of his day, was another: He was a man who, till the period of manhood, was brought up to no other occupation than a labourer. His fellow citizens, having discovered his powers, gave him an opportunity in public bodies, to improve his mind by association with men, and by books. He was thoroughly versed in political history, and possessing many other valuable qualifications as a public man. You, Mr. Chairman, have heard of Samuel Sigourney: He was afterwards in Congress, and his speech there was one of such power and brilliancy, that the party to which he was opposed, and was then predominant, declared that it would not do to let it go unanswered. Surprise was expressed by every one in the house, that a man of such magnificent mind had not been more known before. There were many other men of equal merit and distinction among the framers of this Constitution. There was in that body every sort of power and varied attainment; but all characterized by superiority of general talent. Great reliance was, in his opinion, to be placed in the deliberate judgments of such a body of men. Mr. Sergeant adverted to the proposed amendment as being objectionable in some respects; particularly as it deprived the Legislature of the remedial power which, in many cases, it had heretofore very properly exerted.

Mr. Ingersoll replied, at some length, and went into detailed explanations in regard to some remarks formerly made by him, and noticed by the gentleman from Philadelphia. In regard to the clause proposed by him, as an amendment, it was, he said, first suggested to him by the controversy which took place between this state and the representatives of John Nicholson. In that case, it was stated as an opinion, by eminent men, that the want of a definite distribution of power among the several branches of the government, was an infirmity in this Constitution.

Mr. Sergeant replied to Mr. Ingersoll, and was followed by Mr. Dunlop, in favor of the amendment; when the committee rose and obtained leave to sit again on Monday next.

Adjourned.

MONDAY, May 29, 1837.

The Chair presented a communication from the Governor of the Commonwealth, communicating information in reply to the resolution of the Convention.

Mr. Sheilito presented a petition from sundry citizens of Crawford county, on the subject of the currency, which was read, and laid on the table.

Mr. Riter presented a petition of similar tenor to the above, from sundry citizens of the city and county of Philadelphia, which was laid on the table.

Mr. Ingersoll offered the following propositions as amendments to the Constitution; which were read and laid on the table:

**Judiciary.**

1. The judicial powers shall be vested in one supreme court of fifteen judges; county courts of one judge for every thousand neighboring people, and a justice of the peace for every neighboring people; with all such authority, legal and equitable, as the Legislature may grant; and such other courts, judges, or justices of the peace as may be created by law: but no law altering otherwise than by enlarging the judicial system fixed by this Constitution, shall be valid, without the concurrent votes of two-thirds of the Legislature, and the Governor's approval.

2. The supreme court shall have jurisdiction over all suits and crimes: three of the judges thereof shall, in rotation of the whole fifteen, hold two sessions annually at Philadelphia, Harrisburg and Pittsburgh, each for determining matters of law, while the other twelve judges, in like rotation, shall hold circuit courts twice a year in each county of the State for trying all matters of fact, according to particular provisions by law: but no law shall abolish the circuits.
5. County judges shall hold courts of common pleas, quarter sessions, orphans, reversion's, and all other courts necessary for taking cognizance of all crimes, misdemeanors, and suits for more than fifty and not more than one thousand dollars. Provision shall be made by law, for assigning all crimes of the most dangerous kinds, and all suits for a thousand dollars or more, to the jurisdiction of the supreme court, for trial; together with appellate and revisory cognizance of all crimes and suits.

4. Justices of the Peace shall have cognizance to institute prosecutions for all offences, and exclusive original jurisdiction of all suits for not more than fifty dollars; and all judges shall have power to institute prosecutions.

5. There shall be a reporter of the proceedings of the Supreme court, who shall hold no other office, nor practice law while reporter, who shall attend at the sessions of that court in bank, and write down all their proceedings, which he shall publish in print within three months after the close of each session, and within that time deposit free of expense, with the secretary of the Commonwealth, as many copies of his printed reports, as will furnish the Executive with six copies, the Legislature with twenty, and each judge of the state with one.

6. The Chief Judge shall be paid, quarterly, four thousand dollars, and, each of the other judges of the supreme court, three thousand five hundred dollars a year, but no judge shall receive any other perquisite, allowance, or emolument, than the said salaries. Justices of the peace shall be compensated by fees fixed by law; and no judge or justice of the peace shall hold any other civil office.

The second reading of the report of the committee on the fourth article being in order,

"Mr. CLARKE, of Indiana, moved that it be postponed, which was agreed to.

First Article.

The Convention resolved itself into committee of the whole, (Mr. PORTER, of Northampton, in the Chair,) and took up for consideration the reports of the committee on the first article.

The question being on the motion of Mr. INGERSOLL to insert the following as the first article:

Article First—Distribution of Power.

The respective powers of government, legislature, executive and judicial, are, by this Constitution, severally distributed and established in these distinct branches, viz: a legislative, an executive, and a judiciary, neither of which separate branches shall exercise the authority of either of the others, except where this Constitution so directs.

Mr. PORTER of Northampton said—In presiding over this committee, it is my duty, applying the rules of the Convention as far as they are applicable, "to preserve order and decorum, and in debate to prevent personal reflections, and confine members to the question under discussion." In the performance of this duty I will, therefore, without reference to any thing which has heretofore occurred, require of the gentlemen addressing the Chair, a strict conformity to this rule; and I trust, after this intimation, that no occasion may occur requiring me to remind gentlemen of it.

Mr. MACLAY said, he would take this occasion to state in a few words, the reasons which would govern him in voting on the proposition under consideration, as well as, on all other propositions which might be submitted to this Convention for effecting alterations in the Constitution. He subscribed, he said, to the doctrine which had been advanced by several members of the Convention, that no changes in our Constitution ought to be made, except such as were so plainly expedient, that there could be no reasonable doubt about them. A member of the Legislature, assembled under the provisions of the Constitution, may vote either for or against any measure proposed, as the reasons for or against it may seem to preponderate. But something more than this, he contended, was required, when we are called upon to vote for changes in our Constitution. As the Constitution is the supreme law, and entitled in several respects to a pre-eminence over the common laws passed by the Legislature, so the reasons for any change in its provisions ought to be proportionally strong.

He was, besides, he said, opposed to many changes in the Constitution, on the ground of their injurious tendency. In all governments that are intended to be permanent, there ought to be certain principles held sacred, and which the people should be accustomed to consider as fixed and unalterable. But, frequent or numerous changes in the Constitution tended to unsettle every thing. They tended to destroy respect and veneration, as well for those parts of the Constitution which were not changed, as for those that were.

There was another consideration, he said, which induced him to lean against many changes in the Constitution. It was this—the impossibility of being able to determine beforehand, what would be the effect of such changes: even changes which, at first view, might appear, but small or trifling, might produce important results. We have all seen, said he, laws and acts of the government, both of our own State and of the United States, which have been attended with consequences altogether unexpected. There was, in fact, no telling what would be the result of an experiment, until it was tried.

With regard to the proposition immediately before the committee, he would only observe, that he had heard nothing said in its favor, which at all convinced him, that it ought to be adopted. On the contrary, he felt satisfied that the Constitution as it now stands, is better than it would be with the proposed amendments. He should, therefore, give his vote against it.

Mr. CLARKE, of Indiana, was in favor of the amendment. The argument that, if the amendment did not good, it must do harm, was unsatisfactory to him. He referred to the argument of Omar, who, when he ordered the library of Alexandria to be burnt, gave as a reason that if it contained the same things that were contained in the Koran, it was useless, and, if different things, it was injurious. That mode of reasoning to his mind was not very convincing. He had observed that our government had already lost its balance. The Legislature had obtained the predominance. He did not lay this on one party or another: but he had observed that the legislative power, under one pretence and other, had become much greater than the Constitu-
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lion had intended it to be. It was notorious that the exercise of remedial power by the Legislature of this State had been so frequent, that they were applied to now in every case of grievance of whatever kind. It was high time, he thought, for us to declare that the Legislative power should be distinct and separate from that of the Judicial or Executive powers—for it was better to have known laws, than unknown laws. He alluded to cases where parties came to the Legislature for relief from grievances, when the redress belonged properly to the Judiciary; and the complainants would always get what they wanted by coaxing the Legislature, and without the expense of going to the courts. Divorces were frequently obtained from the Legislature, in cases which would not stand a moment before the Judiciary. He was prepared to judge of every proposition for change on its merits, no matter where it come from. This change, he thought, was a necessary and proper one, and he hoped the majority would see the necessity of adopting it.

Mr. BANKS suggested the expediency of modifying the proposition, by striking out all the words after "Judiciary."

Mr. INGERSOLL said that would modify it to death.

Mr. FLEMING said the proposition provided that each branch of the government should be separate and independent. He wanted to know to what extent they were independent? Unless we made a schedule of the different powers belonging to each, it would be impossible to tell what would be the result of the amendment. Owing to the peculiar manner in which our courts were constructed, it would be very difficult to define their powers. In every case, a constitution of question would be raised, and its determination would be very uncertain. He had a great disrelish for such questions, though they would be very beneficial to the lawyers.

Mr. BELL said, to prevent a possibility of apprehension, he would, in the outset, state that he was a reformer; but he was what has been called a conservative, in every case except where he should be satisfied as to the propriety of any amendment. He must be convinced that the amendment was called for by the people. He could give his assent to no new matter, unless he could see the result of its introduction upon the happiness of the people. The proposition was not new. The powers were now, to all practical effect, distributed among three branches. The legislative branch was necessarily one of the most powerful in a representative democracy. Why was representation adopted? Because of the impossibility of the exertion of power by the people in person. A residuum of power was necessarily left with the immediate representatives of the people, and if we undertook to restrict it, no man could tell how far it would interfere with the exercise of their proper functions. Who composed the Legislature of Pennsylvania? They were a part and parcel of the people, taken from the mass, and responsible to the people for all they do and say, and that yearly. Who were injured by injudicious legislation? The people—including the legislature themselves. The remedy was in the hands of the people, and could be immediately applied. How would it be possible to anticipate and explain all the minutiae of legislation—to prescribe the objects and exact limits of legislative action? But in what, he asked, had the Legislature shown a disposition to usurp power over the other branches? By an attempt to prevent fraud, gross fraud? Was it to annul decisions, or make a retrospective rule? No: It was merely to alter the law of evidence—to say that what the law required could be proved in one way as well as another. He knew not a single case where the Legislature of Pennsylvania had usurped the least degree of power. If they ever did, the remedy for the abuse would be applied by the people; and he hoped that nothing would be done to limit or control the legitimate exercise of legislative power in cases where the public good demanded it.

Mr. ROGERS of Allegheny now rose and spoke nearly as follows:

Mr. Chairman—Regarding the present subject of discussion as one of great importance, I shall beg the indulgence of the committee while I trespass for a few moments upon its attention. I do so with an unfeigned reluctance, and with a great degree of embarrassment. When beholding the learning, eloquence, the high professional capacity, the legislative experience, and that knowledge, better than any found in books, which comes from threescore years and ten, which adorns and elevates this Convention, I cannot expect that any thing I could say would attach to itself much weight or influence.

Sir, if there is any one principle which has been established by elementary writers upon government, it is, that the three great departments of power, the legislative, the executive and judiciary, should be kept separate and distinct, and independent of each other. That principle, so essential a safeguard to liberty, has been fully demonstrated by the celebrated Montesquieu: it breathes throughout every page of Mr. Adams' treatise upon republics: it is clearly enforced in the eloquent disquisitions of Mr. Madison and Mr. Hamilton, in the Federalist.

But, in my opinion, a still higher authority is to be found in a draft of a Constitution, prepared by an illustrious statesman for the commonwealth of Virginia. I mean Thomas Jefferson, a name revered by every lover of his country as the author of the Declaration of Independence, and as one of the founders of this glorious union of States. That constitutional provision, as published in his Notes upon Virginia, is in the following words, and is very similar to the proposed amendment of the gentleman from the county of Philadelphiana:

"The powers of government shall be divided into three distinct departments, each of them to be confined to a separate body of magistracy, to wit: those which are legislative to one, those which are judiciary to another, and those which are executive to another. No person, or collection of persons, being of one of these departments, shall exercise any power properly belonging to either of the others, except in the instance hereinafter expressly permitted."

Sir, the reasons for the separation of the powers of government have been most fully developed by that distinguished man, and exhibits a great danger that is to be apprehended from the encroachment of the legislature upon the other powers of government. He thus expresses himself, and illustrates his position by a reference to the peculiar situation of Virginia:

"The concentrating the legislative, executive, and judiciary, in the same hands, is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a
plurality of hands, and not by a single one. 173 desists would surely be as oppressive as one. Let those who doubt it turn their eyes on the republic of Venice. As little will it avail us that they are chosen by ourselves. An elective deposition was not the government we fought for; but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits, without being effectually checked and restrained by the others. For this reason that Convention, which passed the ordinance of government, laid the foundation on this basis, that the executive, legislative and judiciary departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time. But no barrier was provided between the several powers. The judiciary and executive members were left dependent on the legislative, for their subsistence in office, and some of them for their continuance in it. If, therefore, the legislature assumes executive and judiciary powers, no opposition is likely to be made; nor, if made, can it be effectual; because in that case they may put their proceedings into the form of an act of assembly, which will render them obligatory on the other branches. They have accordingly, in many instances, decided rights which should have been left to judicial controversy; and the direction of the executive, during the whole time of their session, is becoming habitual and familiar.

Sir, the amendment proposed, is sustained by the concurrent testimony of our sister States in the Union. Forty out of the twenty-six States, have made a complete and separate distribution of powers in their Constitutions. One of them, the State of Virginia, I regard as an illustrious example in support of the principle. That State was the last I believe, but one of the old thirteen, to revise her fundamental law and remodel, her political institutions. The convention that assembled, had the aids of revolutionary experience and great statesman-like abilities. In that Convention was exhibited, the mild philosophy of a Madison—the revolutionary integrity and patriotism of a Monroe—and the judicial learning of a Marshall.

Many others, too, were there eminent for their talents—the Randolphs, the Barbours, the Tazewellas and a Leigh—the last of whom, although I differ from that gentleman in political views, I consider equal in legal learning to any one in the United States. Yet I find emanating from that assemblage of wisdom and intelligence an amended frame of government—the result of long and anxious labor—containing the following provision as a second article:

"The legislative, executive and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others; nor shall any person exercise the powers of more than one of them at the same time, except that the justices of the county courts shall be eligible to either house of assembly."

The learned gentleman from Chester has asked the question if any one can point him to a case where the legislature in Pennsylvania has ever exercised judicial power? Let me refer that gentleman to the records of the last legislature, where he will find that that body set aside a judgment of a court in Fayette county and directed a new trial by jury! Let me refer him to the case of Sutterlee against Matthews, in Peters' Reports, where Judge Washington, in delivering his opinion, used the following language in relation to an act of the legislature of Pennsylvania:

"Now this law may be considered as an unwise and unjust exercise of legislative power; as retrospective in its operation; as the exercise by the legislature of a judicial function, and as creating a contract between parties where none previously existed."

Sir, I am not for placing too much power or reposing too much confidence in the legislature. A department of government which, if there be any truth in history, has ever been the most disposed to invade and usurp other powers. Sir, the experience of every one will test the truth of the observation, that it is an unsafe depository of any portion of judicial power. Legislative bodies sometimes act under the impulse of strong and sudden excitement; sometimes unadvisedly; sometimes the good intentions of the many, are misused by the management of a few; and sometimes corruption poisons the pure fountain of justice.

Sir, what has been the tendency of the argument of the distinguished gentleman from the county of Philadelphia, but that it was expedient and proper, in extreme cases, to clothe the legislature of this State with chancery powers? Sir, I am willing, at any time, to vote for a court of chancery, if justice can not be administered with equal learning to any one in the United States. Much has been said in the course of this discussion, of the high character of the men who composed the Convention of 1790. I respect the virtues—I admire the characters of the men of that Convention, as much as any one. I believe they were pure in their motives and honorable in their actions. They acted nobly their part for their country—they deserved well of their country. Yet, sir, I believe, if that illustrious body of men could reassemble in this Hall, with all their experience upon the subject of government, they would change this Constitution in many of its features.
mighty fabric of accumulated Executive power, fell in the political revolutions growing out of it, pierced by the weapons he himself had fashioned, and the laurels torn from his brow by rude and violent hands. I look in vain upon the roll of eminent men—the list of Presidents and Vice Presidents for any son of Pennsylvania. Sir, to what other cause is it to be attributed but to the violence and bitterness arising out of the excessive patrimony of the Government? Sir, let us lay off the rank luxuriations of power—let us enlarge the rights and extend the liberties of the people—then will Pennsylvania assume a lofty, honorable and elevated position in the councils of the nation.

Mr. DUNLOP remarked that the gentleman from Wyoming had said he could not see his way clearly in this business, without a schedule before him of the precise powers given to each department of the government. But, if the gentleman would read the Constitution, he would be relieved of his difficulty. No one doubted that all the powers of our government were divided into three great branches. We need not refer to Mr. Jefferson's works to prove that. Every ploughman knows it; but why then could there be any hesitation as to the expression of it? He understood the gentleman from Chester to say, that he was apprehensive of the introduction of some new principle. Was there any harm in saying that one branch of the government should not exercise the powers of another branch? Did any one wish any one branch to trample upon another? Why should not clear that they ought not to do what every one admitted they should not do? What utility, it was asked, would there be in this provision? Did we not know that men were affected by moral influences—and this always would have a powerful effect upon men who, perhaps, would not be affected by the leading principles of government. Every one would feel tied and bound down by the express declaration of this principle in the State Constitution. There were many gentlemen here who were aware of the fact, that the Legislature were about to abolish the militia trainings as useless and absurd; but were prevented by the fact, that the Constitution provided, that the militia should be armed and disciplined. Mr. Dunlop went into the history of usurpations by the Legislature of this State, under the Constitution of 1776, and the present Constitution—all of which, he contended, manifestly and flagrantly touched upon the powers of the Judiciary, and were warrant violations of the rights of private citizens. All these outrages were committed under popular leaders, and in the name, and for the benefit of, the people. The people were always most deceived and abused by those who pretended a great love for them. Marius and Scylla were popular leaders, and committed all their crimes in the name of the people. Pontius Pilate, too, appeared to love the people, and to be governed by their will.

He referred to several cases wherein the greatest distress had been inflicted upon families, by the unjust influence of the Legislature. The act of 1826, declaring that the acknowledgments of *fera coeort* should be good, made to suit a particular case, enabled some individuals to turn out many widows and orphans from their rightful possessions, houseless and destitute upon the cold world. He went into these cases at some length. The Legislature had never ventured to interfere in a particular case belonging to the judiciary, with producing much unforeseen individual hardship and suffering. He would go so far as to prevent the Legislature from passing any retrospective laws for while we were benefiting a single individual by it, hundreds might be ruined. He referred to an act of the Legislature, passed to legitimize a number of children, one of whose parents was dead; they authorized them to take possession of the property of the parents, and the consequence was, that the other children were dispossessed and ejected. Some friends of the dear people, on one occasion in the Legislature, passed a law to open a judgment in Fayette county. Would any one believe it? They interfered, and, by a flagrant act of usurpation, opened a judgment, after the court had refused to do it. How many cases had there been in which wills had been destroyed, and a change made in the direction of a man's estate? How many applications had we every year, of persons who wished to break wills? A man who has not yet joined the temperance society, has a property left to his children, the testament not being willing to trust the father. Well, the father quite the brandy bottle for a few days, straitens himself up for the occasion, comes with a long face to the Legislature, and says he wants to educate his children, and put them in business; and authority to sell the property, which the Legislature readily grants. The property is sold, and the children, by and by, find that the proceeds are squandered, the father not able to make it good, and his securities no better. This was no mere supposition. The case had happened.

Mr. HOPKINSON said, that in his view of the subject, he might concede to the gentlemen who advocated the amendment, every word they had said in favour of keeping separate the several branches of the government. He believed that in the present Constitution, the powers of each branch were sufficiently distinct, and that the amendment was unnecessary. He did not object to the principle contained in the amendment, but to the expediency of it. He came here with the determination not to alter a line in the Constitution without good reason, and as he questioned both the expediency and necessity of the amendment, he should vote against it. No inconvenience or doubt had arisen under the Constitution, in respect to the division of power, and the introduction of any thing which would unsettle the stability of our institutions, ought to be received with great caution. We ought, at some time, to have some things settled.

What is the amendment?

That "the respective powers of the Government, Legislative, Executive, and Judicial, are by this Constitution, severally distributed, and established in three distinct branches, viz: the legislature, executive, and judicial, neither of which separate branches shall exercise the authority of either of the others, except when this Constitution authorizes." This is the amendment, the object of which for every useful purpose is embraced in the Constitution, as will be seen by a reference to the article granting power to the Legislative, Executive and Judicial departments.

The following will be found, article 1, section 1. "The Legislative power of this Commonwealth, shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives."
Here the Legislative power is distinctly granted to the General Assembly, and it was more and no less, in reference to the Executive in article 2, section 1.

"The Supreme Executive power of this Commonwealth, shall be vested in a Governor."

The grant is direct and without reservation. So it is in reference to the Judicial power in the 3d article.

"The Judicial power of this Commonwealth, shall be vested in a Supreme Court, in Courts of Oyer and Terminer, and General Jail Delivery, in a Court of Common Pleas, Orphans' Court, Register's 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."

Here it is stated that the Legislative power shall be vested in the General Assembly: the Supreme Executive power shall be vested in a Governor, and the Judicial power shall be vested in the courts. Can any thing more be necessary? The gentlemen from Allegheny (Mr. Rogers,) has quoted from Mr. Jefferson's writings and from Mr. Adams', on the division of the powers of government. The sentiments were sound—he did not dissent from them in any particular. But the division of power described by these statesmen, formed the basis of the present Constitution.

Gentlemen here cited a long list of abuses of power. These abuses mostly took place during the time of the Revolution, when government was unsettled, and during the struggle to form a government for ourselves. They took place, under the present Constitution, but under Dr. Franklin's constitution, of a single branch of the Legislature. Since the adoption of the present Constitution, as few usurpations of power, by any branch of the government, has taken place in Pennsylvania, as could have been expected, or that has taken place in any other government.

"We come now to the objection, that the Legislature was susceptible of being influenced by intrigue, corruption, and party management. All this might be true; but would the amendment make this branch of the government more honest? In forming a Constitution, we could not so frame it that all officers under it, must necessarily be honest. This was the duty of the people to whom every officer was more or less responsible. It was an easy thing to talk of usurpation, as if they could be remedied by the Constitution itself. Dishonest agents will not be restrained by kindness and influence. Who is to judge whether the Legislature has abused its powers? It is its own judge in the many doubtful cases in which the powers run into each other, and have the distinct line of separation. The idea is, we must go upon the supposition, that the powers granted by the Constitution, will be honestly executed. With regard to the amendment, he did not believe that it was any better guard, or afforded any further security against abuses, than the old.

Mr. SERGEANT remarked by remarking, that the gentlemen from Franklin, (Mr. Dunlop,) had cited a case where the Legislature had passed an act to remedy a defect in a title intended by the parties to be an honest conveyance. "As it had been stated by that gentleman, it was an assumption on the part of the Legislature, and an independent judiciary would have declared it null and void. The Legislature would certainly have no right to take from one person to give to another, but it had to pass an act to carry out the intentions of contracting parties, when equity, justice, and honesty demanded it. He thought that the gentleman from Franklin had not read what he had quoted, with care, or he would have found in the proviso a full security for the just rights of the parties. He then commented at length on the equity and justice of the act of assembly, and declared that if he had been in the legislature, he should have voted for it. He said that the first law in Pennsylvania was based upon the same principles—authorizing married women to convey real estate. It had been in operation since 1770, and no lawyer had ever objected to it. In the Lancaster case, some one found out that the acknowledgement was not in the exact terms of the law of 1770, and the Legislature passed an act to remedy the defect of the scrivener. In the York case, which had been cited, the defect was about the seal, and the Legislature passed an act to remedy the defect; to carry out the honest intentions of all concerned; to prevent litigation, and avert ruin from the industrious and honest citizens.

Mr. Sergeant then went into a history of the case, in which the legislature passed an act in reference to a contract effected by the controversy with the Connecticut claimants; and showed that it was required by equity and justice.

In reference to the abuses mentioned by the gentleman from Franklin, which happened before the adoption of the present constitution, he remarked, that the constitution of 1776, although formed by very wise men, was defective in some respects. Under that constitution, when a case was brought before the court, the judges were appointed for a term of years. There was a council of censors to correct what the legislature had done; but it was after it was done. This defect would strike every one at once. The members of this council of censors felt as some members of this convention feel, that something must be done; that they were obliged to correct something. The council of censors never changed any acts of the legislature, which they condemned in the constitution—and the gentleman from Franklin would see, that no force could restrain every abuse. For his part, he could scarcely believe, that any Legislature would take from one man to give to another. The council of censors was in frequently wrong as the Legislature. He then stated a case, where they declared an act of the Legislature, authorizing the payment for the hay and oats of the members' horses, unconstitutional; because the Constitution declared, that every thing should be paid out of the Treasury. For his part, he could not clearly see the unconstitutionality of the act. It resembled somewhat the purchase of Pendleton's Digest. The Constitution of the States, and the Daily Chronicle, by the Convention.

The gentleman from Franklin was, in his opinion, unjust in regard to the judiciary. He might be right in reference to the member of the Legislature, who threatened the judges who should dare to oppose his will. But he believed that the judiciary, generally, possessed moral courage as well as integrity. John Marshall, whose name had filled the whole country with veneration for his character, was both wise and brave. He had fought the battles of his country, and not only possessed great physical but moral courage: and yet
CONVENTION PROCEEDINGS.

ERRATUM.

In the Chronicle of Thursday, the 25th instant, in the publication of Mr. Earle's remarks on the subject of Banking, a couple of paragraphs were, by mistake, added as a part of his speech, which were not delivered by him, and had no connexion with what he said. The mistake arose from a memorandum on the back of a paper containing the conclusion of the speech.

(Continued from Monday.)

Mr. LONG said—Mr. Chairman, I should not have troubled the committee upon the subject now before them, had not the case of Mercer v. Watson, from Lancaster county, been referred to in the course of the present debate. As that case probably may have some influence upon the deliberation of the Convention, I consider it my duty to state the facts of that case according to my knowledge. Mr. Mercer and Mr. Watson were married to two sisters, each possessed of considerable real estate. Mrs. Mercer, in order to vest the fee simple of her estate in her husband, made a transfer of her estate to a third person, so that the same might be conveyed to her husband, which was done accordingly. In the conveyance to this third person, the acknowledgment of Mrs. Mercer was not according to the provision of the act of assembly, by which married women are enabled to dispose of their real estate. After the death of Mrs. Mercer, Mr. Watson, in right of his wife, brought an ejectment, for the purpose of recovering the premises which belonged to Mrs. Mercer in her own right, but which she intended should be vested in her husband. This ejectment was predicated upon the ground, that the acknowledgment was defective, and not according to the form prescribed by the act of assembly, and that her husband had no legal title to the same. Upon the trial of that case, I understand evidence was offered to prove that Mrs. Mercer expressed the greatest desire that the title to the property should be vested in her husband, for whom she manifested the warmest affection; but this testimony was rejected on the ground that parol testimony could not be received to explain the written acknowledgment. A recovery was accordingly had against Mercer, and Watson went into possession. After the act of the Legislature passed in 1828, curing these defective acknowledgments, an ejectment was brought against Mr. Watson's heirs by Mr. Mercer, which proved successful. But, sir, continued Mr. Long, permit me also briefly to state the reasons which shall govern my vote upon the present question, against the amendment. The general impression was, that the people desired few amendments to the present Constitution. The desired amendments were plain and few, and to them the public attention had been drawn; but I do not believe that the amendment now proposed was ever thought of by the people; although the present Constitution has been in existence for nearly half a century, yet no complaint, within my recollection, was ever made with regard to that part of the Constitution which is now proposed to be amended, and I can scarcely believe that if that part now under consideration is so defective as some gentlemen apprehend, we would before now have heard something of it. I admit that the Constitution is susceptible,
Mr. B. here went into a review of "equity powers" in general, and argued that the Legislature was not a proper tribunal to investigate and determine when they should be exercised. The present Constitution requires the Legislature to grant such powers to the judiciary, but not to exercise them itself. If the high remedial power that was spoken of—a power that could pass retrospective laws, and interfere with the regular operation of the established laws, were necessary, it would be better to select some tribunal other than the Legislature; but what that should be, he was not prepared to say.

But, if it must be exercised by the Legislature, he thought some restrictions should be placed upon it; or it should be defined and explained, so that the people might know where and how it existed, and was to be exercised.

Something, Mr. B. said, had fallen from the gentleman from Franklin, in relation to the people of the county of Philadelphia, who seemed to be doomed to occupy a place in all the discussions of the Convention. Mr. B. said it was true, his constituents were not always the most quiet and peaceable citizens of the Commonwealth! But he asked gentlemen to look to all their doings, when most excited, and what do their resolutions breathe? Nothing but the strong and fervent breath of liberty! and opposition to tyranny and oppression! He (Mr. B.) would not be their representative—they would be unworthy their sires of '76—they would be unworthy of the name of Pennsylvanians—if they could submit tamely to the wrongs that have been heaped upon them by corrupt magistrates—soulless paper corporations—and sectional and tyrannical laws.

[We have been obliged to abbreviate Mr. Brown's remarks more than we wished, for want of room.]

Mr. MERRILL said, that if the gentleman who had last spoken was correct—if every branch of the government was corrupt, and we could not trust our own agents any where—we had better continue to dispense with government altogether. We had better abolish all government, and return all power to the people.

Mr. Merrill gave way for a motion for the committee to rise, when the Convention adjourned.
TUESDAY, MAY 31, 1837.

Mr. BELL offered the following resolution, which was laid on the table:

Resolved, that the secretary of the Commonwealth is requested to furnish to this Convention a statement, showing the number of officers, exclusive of judicial officers, prothonotaries, registrars, recorders, and clerks of the several county courts, appointable by the Governor, setting forth their several titles, term of office, compensation, and the places where they exercised their offices.

Mr. BELL rose to make an inquiry in relation to the tabular statements of the committee on Constitutions, some time ago ordered to be printed. He wished to know whether they were ready.

The CHAIR stated, in reply, that it had not yet been received from the printer.

Mr. STERIGERE said, in consequence of our giving all the printing to one person, it was kept back.

SECOND ARTICLE.

Mr. STEVENS, from the committee on the second article, made the following report:

The committee to whom was referred the second article of the Constitution, report the following amendment to it:

Sec. 3. To read as follows—"The Governor shall hold his office during three years from the third Tuesday of December next ensuing his election; and shall not be capable of holding it longer than six years in any term of nine years."

Sec. 8. Sixth line to read—"He shall nominate, and, by and with the advice and consent of the Senate, shall appoint all officers," &c.

Make the ninth section read as follows:

Sec. 9. He may at all times require from all, except the judicial officers, written information concerning their offices.

Add a new section, to be called section 16, as follows:

Sec. 16. The prothonotaries, registrars, recorders of deeds, and clerks of the several courts, (except clerks of the supreme court, who shall be appointed by the court during pleasure,) shall be elected by the citizens of the respective counties; and the Legislature shall prescribe the mode of their election, and, from time to time, the number of persons to hold said offices in each county, who shall continue in office for three years, if they so long behave themselves well; and the Legislature shall provide for the vacancy of their election, and the number of persons in each county who shall hold said offices: the Governor shall supply any vacancy that shall occur by death, resignation, removal, or otherwise, until such vacancy be supplied by the people, as herein before provided for.

THADDEUS STEVENS.

Mr. BELL, from the committee on the second article of the Constitution, made the following report:

The undersigned, a member of the committee to which was referred the second article of the Constitution, begs leave respectfully to recommend, as amendments, the following enumerated alterations and additions, to wit:

The second section of the said article ought to be altered so as to read—

Sec. 2. The governor and a lieutenant governor shall be chosen on the second Tuesday in October, by the citizens of the Commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for Governor and lieutenant governor, shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Senate, who shall open and publish them in the presence of both houses of the Legislature. The persons respectively having the highest number of votes for governor and lieutenant governor, shall be elected; but if two or more shall have an equal and the highest number of votes for governor, or for lieutenant governor, the two houses of the Legislature shall, by joint ballot, choose one of the said persons having an equal and the highest number of votes, for governor or lieutenant governor. Contested elections shall be determined by a committee, to be selected from both houses of the Legislature, and formed and regulated in such manner as shall be directed by law.

The third section of the said article ought to be amended by inserting the words "and lieutenant governor" after the word "governor," and providing for the continuance in office of the lieutenant governor.
governor, for the same term as is prescribed in the case of the governor.

The phraseology of the fourth section ought to be so altered, as to make its provisions embrace as well the office of Lieutenant Governor as that of Governor.

The eighth section ought to be amended by striking out the words "or shall be established by law."

The fourteenth section ought to be altered so as to read—

Sec. 14. In case of the death or resignation of the Governor, or of his removal from office, the powers and duties of the office shall devolve on the Lieutenant Governor for the residue of the term. And if the trial of a contested election shall continue longer than the third Tuesday in December next ensuing the election of Governor, the Lieutenant Governor shall exercise the powers and discharge the duties of the office of Governor, until the determination of said contested election, and until a governor shall be duly qualified; but if the election of the Lieutenant Governor shall also be contested, and the trial of such contested election shall continue longer than until the said third Tuesday in December, the Governor of the last year or the speaker of the Senate, who may be in the exercise of the executive authority, shall continue therein until the determination of such contested election, and until a Governor shall be qualified as aforesaid, or until the contested election of the Lieutenant Governor shall be determined, and such Lieutenant Governor be duly qualified.

While acting as Governor, the Lieutenant Governor shall receive the same compensation as is, or may be, allowed to the Governor.

A new section to be numbered "fifteen," ought to be introduced, and to read—

Sec. 15. The Lieutenant Governor shall be President of the Senate, but shall have only a casting vote therein. While acting as President of the Senate, he shall receive double the compensation paid to a Senator. If, during a vacancy of the office of Governor, the Lieutenant Governor shall die, resign, or be removed from office, the Speaker of the Senate shall act as Governor, until the vacancy shall be filled. While acting as Governor, the Speaker of the Senate shall receive the same compensation as is, or may be, allowed to the Governor.

THOMAS S. BELL.

FIRST ARTICLE.

The Convention resolved itself into committee of the whole, (Mr. PORTER, of Northampton, in the chair,) and took up for consideration the reports of the committee on the first article.

The question being on the motion of Mr. INGERSOLL to insert the following as the first article:

FIRST ARTICLE—Distribution of Power.

The respective powers of government, legislative, executive and judicial, are, by this Constitution, severally distributed and established in three distinct branches, viz: a legislature, an executive, and a judiciary, neither of which separate branches shall exercise the authority of either of the others, except where this Constitution so directs.

Mr. MERRILL, who was entitled to the floor, resumed his remarks. He had, he said, thought this a very small matter; but as its adoption would in some measure control the whole subject under discussion, and render many other amendments necessary, he thought it highly important that the amendment should be rejected.

He had asked the question, whether we were about forming a Constitution of limited and enumerated powers for some petty corporation, or one adequate to the necessities and wishes of a great people? To that question he had received no answer. Many gentlemen seemed to consider that between the different powers of any two branches of the government, there was a distinct line, a broad turnpike road; but this was not so. It would be as difficult to distinguish between the different powers of the three several branches, as it would be to distinguish the different shades of the colors of the rainbow, which run into each other. A general written description of their powers would not do. Any catalogue would necessarily be imperfect. He asked whether, by such minute attention to symmetry and uniformity in the instrument, we would not sacrifice something of its strength? There were ingenious specimens of mechanism, very beautiful and symmetrical, that, after all, would not go, and were of no practical utility. No one contemplates that citizens should lack means to assert their rights and remedy their wrongs. Should we leave it to the discretion of the proper branch of the government to administer a remedy for all grievances, or should we create some fourth repository of power for such objects? There must be a great repository for the people somewhere, and no place had been found that was so safe and proper as the representatives of the people themselves. But many complaints had been made of the manner in which the Legislature, as the representatives of the people, had exerted this remedial power; and it had been contended that they ought never to enact any retrospective law.

He went into a history of the cases where such authority had been exercised; and contended that the legislature, in those cases, simply did justice between man and man. They merely remedied a defect in technical rules of law, brought by us from another country—and only for the purposes of justice and equity, which were the legitimate ends of law. In some cases, the deputy of the predominating authority was administered the oath to Justices of the Peace. The magistrate, supposing himself duly sworn, goes on to acknowledge deeds, &c. At last, some person discovers that the magistrate is not legally qualified, and that all that he has done is null and void. The legislature, in those cases, very properly made good the acts of such Justices. No where would this remedial power, left undefined as it must be, be so securely deposited as with the representatives of the people. But it had been said that the legislature had abused this power; that they had legislated money out of one man's pocket into another's. This was a broad and startling proposition. But let us examine it. What is the proof? He next went into a history of the proceedings of the legislature in the cases of abuse alleged, and contended that all the legislature did was to take fees out of the lawyers' pocket. The gentleman from Franklin had read a long list of terrible abuses; but they amounted to nothing on examination. Had we met here to try those cases over again? Do we know the parties? Can we form an opinion understandingly upon those cases? No, sir: we must act on general principles. But will this amendment cure the evil alleged to have
been done, and prevent abuses in future? He could not see how. If we did not go on and enumerate each power, to the exercise of which we propose to restrict each branch, every thing would be left at loose ends—nothing would be definite. It had been said that other state Constitutions had this provision. It was not so. In each case, and there were eleven of them, there was some qualification—something restricting the clause in its application so as merely to prevent one branch from exercising powers clearly within the boundaries of another branch, to prevent them from going over the line. But, if we attempted, as was proposed here, to draw a distinct and definite line was not in the power of language. Five lines would not be written without some ambiguity. Some gentlemen affect great indifference to the present Constitution and its powers, and laugh at the idea of its being entitled to any special respect. They know too much for that. Gentlemen talk of other States, and their amendment to the title of 

Mr. Riegart said, if we were framing a system for the people of an experiment for a single year, our duty would be comparatively very light; but, as we were to frame a fundamental and permanent law, the greatest deliberation and caution were necessary. He argued, that the proposed amendment would deprive the Legislature of the right to exert any remedial power. He went into a history of the cases of remedial legislation, which had been referred to, and contended that they did not interfere at all with the powers of the judiciary. In the Nicholson case, a proper adjudication could not be had, and the Legislature interposed to enable the creditors of Nicholson to get his property, worth half a million, in satisfaction of their just claims. In none of those cases, was there any judicial legislation.

The gentleman from Franklin had failed to show any case of actual grievance arising from the exercise of this power. It was well known that the Legislature, where they ordered property to be sold, were very careful to take the best security. He had never known a case where the heirs lost any thing by the defalcation of sureties. Gentlemen called upon the reformers to aid them in this alteration. That would do for a ward meeting, but not here. Here no appeal, but to sober reason, would have avail. Where must this remedial power be placed—this power of remedying gross and glaring defects, which it is impossible for human foresight to provide against? It must be somewhere; and where could it be as well and securely placed as with the representatives of the people? But, if this amendment was got in, it would be but an entering wedge for others; and it would be forty seven years before we understood the new Constitution as well as we do the present. Would the gentleman from Philadelphia advocate the creation of a high court of appeals for the correction of errors? Were the people prepared for any great innovation upon the present form of government? The people had not sent us here to introduce novel matter, untried, an experiment in heavy experiments, on this Constitution.

Mr. Martin had listened intently, he said, to the discussion, and he could not see the propriety of adopting this amendment. The people of the county which he, in part, represented, were in favour of some judicious reforms, which he intended to go for, and for those only. The statements upon which some of the arguments in support of the proposed amendment were founded, were entirely incorrect. He referred particularly to the case of divorce mentioned by his colleague, in which it had been contended that the Legislature had committed great injustice; and contended that the case was, on the other hand, one in which the Legislature acted wisely and justly. It was a case which would furnish an argument in favour of leaving a remedial power in the hands of the Legislature. If the Legislature should ever err in the exercise of their powers—should they take a man's wife and property away from him—the people would hold them responsible for it. He was one of the members of the Legislature who voted for the divorce just referred to, and voted the next year against any interposition in this case, and his constituents never disapproved of these votes. The other cases which had been mentioned of Legislative usurpations, were probably susceptible of an equally satisfactory explanation. His constituents, he said, wanted no amendments that were not clearly reasonable and right. He would vote for all amendments, shown to be beneficent; and he did not regret the time which had been spent in discussing the propositions for amendment. After a full hearing of the arguments, on either side, we were the better prepared for a decision upon each question.

Mr. Stevens offered the following amendment to the amendment:
Instead of the word of, insert "belonging exclusively to," and after the word authority, add the following: "but neither of said branches, nor all united, shall have power to establish any bank or banks within this Commonwealth."

Yea and nays having been required by twenty members, in committee of the whole, they were ordered.

Mr. STEVENS said he had no desire to discuss this question; the amendment spoke for itself. He was in hopes the gentleman from Philadelphia county, (Mr. Ingersoll,) would have adopted it as a modification of his motion.

Mr. EARLE demanded the yea and nays on the question. He considered it as one of great importance, and he should vote for the amendment himself, being hostile to banks.

Mr. STEBGERE moved an amendment to the amendment.

The CHAIR decided that it would not be in order.

Mr. STEBGERE appealed from this decision, and went into an argument to sustain it; but yielded to the views offered by the chair, and withdrew the appeal.

Mr. STEVENS said he had supposed that every one, almost, would have been in favor of the motion; but as there were indications of opposition, he would say a few words in its support. The first amendment would prevent the exercise of a concurrent jurisdiction by the several branches, or any two of them; and unless that was adopted, he could not vote for the amendment. There were many mixed cases, partaking both of a judicial and legislative character, which were to be provided for, and which, without this amendment, would be without a remedy. There was no danger of the judiciary encroaching on the legislature—but there were cases of hardship arising under the laws, which the legislature only could reach, and which, in every government, there should be some means to provide for.

Suppose a case: where a right clearly exists, and no remedy is provided by the laws or the Constitution—shall the party go without a remedy? or shall the legislature interfere in his behalf? The law provides that a married woman shall not only acknowledge a deed, which parts with her right of dower, after separate examination, and having the deed read to her; but all these facts must be put on the record. Although all these facts existed, yet if they did not appear on the record, the purchaser under the acknowledgment would be robbed of his money, unless the legislature should interfere, and substitute another rule of evidence. The gentleman from Franklin had said, that the people must suffer from the ignorance of lawyers, and that their mistakes ought not to be corrected. This might do for able lawyers, but not for the honest people who suffer from their blunders. Was a man to be defrauded of his property by relying upon a lawyer, fully authorized to practice, by the proper State authorities? But most of the deeds were drawn by magistrates, or persons deputed by them. The lawyers, who had any business, very seldom ever wrote deeds in a county where they could be made for two or three dollars. He went into several cases of legislative abuse, which had been alleged by the gentleman from Franklin, particularly the Fayette county case, and contended that no honest man, disregarding technicalities, could disapprove of the course taken by the legislature in those cases.

It was perfectly well understood, Mr. STEVENS said, that the division of powers in our Federal and State Governments, meant nothing more, than that the three branches should never be united in one person, or the power made concurrent between two branches. We separated these branches as far as human science could enable us to do so; but, when they become blended, as they must be from the imperfection of language and the impossibility of foreseeing every case that should arise, we must leave it to the legislature to provide for the exigency. Where then should we leave it? Was not the legislature the depository of the reserved powers of the people? We delegate no authority to our government: all which is not granted, is reserved to the representatives of the people. I see that the gentleman from the county. (Mr. Ingersoll,) shakes his head. [Mr. Ingersoll here said, "the people, not their representatives." But the people, continued Mr. STEVENS, cannot speak by themselves, as in an unmixcd democracy. They must speak by their representatives annually elected from them, and responsible to them.

But he was on ground which had been trodden long enough. He would say a few words on the second branch of the motion to restrict the government, or any part of it, from chartering any more banks. Here, on the threshold of a new Constitution, he asked the committee to put up a barrier for our protection from evils which had been found almost insupportable. The banks sat like an incubus upon all the States of the Union, and until they were thrown off, they could never flourish. He believed the Constitution had withheld from the States the right to create banks, or in any other way to authorize the issue of paper credits; but long usage and acquiescence, and the decisions of judicial tribunals, had rooted them so deeply in our system, that they could not be eradicated. But as we were about remodeling our whole system, it was a good time for us to commence de novo, and take means for removing the evil. The various fluctuations in the currency would continue as long as the States held the power of creating banks. But, if the whole power over the subject could be restored to the National Government, they could establish a system of some kind, by which the currency could be rendered uniform and stable, and the funds of the government transmitted from Maine to Louisiana in a single week, without disturbing the business interests of the country. For a long time after 1816, it was generally conceded that a National Bank was constitutional—he did not allude to the Bank of the United States—for that he knew would create a ferment here; but he would refer to that bank only for the purpose of illustration. The gentleman from the county, (Mr. Ingersoll,) himself, in 1830, as I find, introduced resolutions expressing opinions that a National Bank was a constitutional and a useful institution. [Mr. Ingersoll. I still think so.] Yes—said Mr. STEVENS: if you can have it at New York, and turn Nick Biddle out, and put somebody else in.

Were not the bills of the U. S. Bank even better than gold or silvers from Maine to Missouri, in China, and in Calcutta? Where is there a currency equal to that which we had when the Federal government?
as exercised a concurrent sovereignty over the subject with the States, and controlled the action of the operations of the State institutions. But war was waged against the bank, and the bank and the country fell. The consequence was, that as the general government had refused to exercise the power, every State in the Union became flooded with a paper currency. We have seen every petty corporation and every knavish speculator issuing their paper. From the national bank there was little danger of a corrupt influence. Few, comparatively, were interested in it, and little danger would have sprung from it, even if it had been united with the general government. Other powers of the government were of a much more dangerous character. But the "monster bank" refused to become the ally of the conqueror of New Orleans and his minions. First revenge, and then aggrandizement, was sought by the administration. They selected sixty banks as the depositories of the Treasury, and, as every bank has about the same number of dependents and officers, they multiplied the corrupt influence of banks sixty fold. He did not believe in human perfection—"Lead us not into temptation," was the prayer of him who knew the hearts of men. If men were angels, they would not have needed it. But, if it was necessary to guard us by laws, it was also necessary to shield us from temptation. If the present system of deposit banks continued, every State in the Union would soon be under the control of the great central power at Washington. The public money in the deposit banks was used for the purpose of plunder, and enriching bank and government favorites; and those who permitted it, partook of the profits, no doubt. Nothing would secure us from this great abuse but cutting up, by the roots, this tree of evil. As long as the government exercised the power, so long we were secure; but, as it was now exercised, no man was safe, for a moment, in his property or industry. The busy merchant, the hard working farmer, and the industrious mechanic, saw his family wretched, and the fruits of his labor destroyed. He was aware that the winding up of the banks would depreciate property; but was it not better to begin upon a better system than to continue in this hopeless and distressing condition? Things were daily becoming worse. No relief could be expected from the councils of the government. (The little corrupt demagogues, who occupied the high stations, were driving their armed chariots, with cold sardonic smile, over the subdued and prostrate people.) He should vote for this amendment, and those who thought differently from him would vote accordingly. It was time, in his opinion, for the people of the States to take some decisive measure for arresting the abuses of the national government.

Mr. STERIGERE said he did not know that he could add much to the stock of information necessary to decide the questions pending. He would not have risen, but for some personal knowledge he possessed concerning one matter of legislation which had been frequently referred to—the *feme covert* law.

In regard to the amendment offered by the gentleman from Adams, to prohibit the legislature from chartering any banks—he supposed at first it was intended as a joke—but from the gentleman's argument and manner he concluded the proposition was seriously made. He thought it was introduced at the wrong place. He had, however, but a few words to say about it. No matter what may be said about banks and the evils arising from them, every man of common sense must admit that we cannot get along without them. They are necessary to enable our citizens to carry on the commercial and other business in which they are engaged. They have become necessary to every description of our citizens, and the business and circumstances of the people must be entirely changed before we can dispense with banks altogether.

There is another objection to the proposition. The bank of the United States has been chartered for thirty years, with authority to establish branches throughout the State. The charters of all the other banks in the State will expire in less than ten years, he believed. When these expired, of course the bank of the United States would be the only institution of the kind in the State, and would transact all the banking business in the State. If no banks could be chartered, we should be flooded with the paper of the banks of other States, and that of the United States bank, while it existed.

So far as it respected the amendment offered by the gentleman from the county, it appeared plausible, and at first struck him with some force; but, on mature reflection, he was convinced it would be inexpedient to adopt it. For forty-seven years the legislature had exercised the remedial powers which this amendment proposes to take from them—which had been productive of great benefit to the community, without objection, and he doubted whether any portion of the people desired it should be taken away. In every government authority must exist some where, to grant relief in extraordinary cases. A form of government without such authority would be defective. It would be most republican to vest this in the legislative branch, as that is most under the control of the people. We are not now called upon to give this power to the legislature, but to take it from them. If the legislature had abused the power, it might be proper to take it away. So far from that, it appears from all we have heard and all we know, that this authority has been exercised with great care and caution, and only in cases of absolute necessity, to prevent injustice and litigation. The account the gentlemen from Franklin gave of the exercise of this authority, he did not think was quite fair. The explanations given by the President of the Convention, and the gentleman from Lancaster, Adams and Philadelphia, in relation to some cases mentioned, showed that the legislature had not acted on exparte statements, and without due consideration. He had himself drafted the *feme covert* bill as it is now enacted into a law. It originated on the memorial of a gentleman from Chester county, who held a large estate under deeds which had been defectively acknowledged, presented at the session of 1824-5, which was referred to the judiciary committee of the House of Representatives, who reported a bill which was unsatisfactory, and which produced a great deal of debate. The bill was changed back and forward several times, sometimes with a large majority one way, and sometimes the other way. But, eventually, it passed the House by a large majority, but was not actuated in the Senate that session. At the next session it passed into a law without any alteration, and with very little opposition in either House. So that, instead of this law having passed merely on the statements of an individual in-
terest, and without due consideration, it had received very great attention, and was enacted on a full conviction that the interest of the community required it. No man can estimate the injustice and amount of litigation this single act has prevented.

This kind of legislation must have the sanction of the executive and judicial departments. The Governor must approve, and the judiciary carry the law into effect. The amendment does not provide for the entire separation of the legislative, executive, and judicial branches. It allows they may be blended—its purpose is to prevent the Legislature from granting relief where the laws admit of no ease. As that branch had exercised this power with so much caution, prudence, and wisdom, for so long a time, he thought it would be wise to let it remain there. There might occasionally be instances of hasty and improper legislation of this kind, but that would be more than counterbalanced by the injustice and litigation it would prevent. He therefore trusted that in this particular the Constitution would be permitted to remain as it was.

Mr. CURRIE addressed the committee as follows:

Mr. Chairman—I am of opinion that a sufficiency of the time of this Convention has already been spent on this subject, and that we are about to be called in question by the people for the uproar created on other subjects not contemplated by them as amendments to the Constitution. I am surprised that gentlemen adhere so pertinaciously to propositions that, after all the arguments adduced by the talented gentlemen on both sides, I cannot see that any practical good or evil would result from their being incorporated in the Constitution; and although somewhat taken at first with the amendment offered by the gentleman from Adams, against banks, as being myself opposed to the system under its present organization, yet, gathering from the drift of that gentleman’s learned, yet popularity-seeking arguments that the evil he appears desirous to put away and deliver us from may be intended to lead us into a worse evil, to wit: the aggregation of his thirty years’ “monster.” I cannot favor or vote for his amendment. As the gentleman passed on with his elaborate declamation, I became more and more alarmed; I thought I perceived the horns of the monster extending and growing larger and larger, until at length, sir, they had pushed the Little Magician out of his chair, overturned the treasury circular of the old tyrannical Roman, as Gen. Jackson has been called, and placed the crown upon the head of Nicholas.

Mr. Chairman, I am opposed to the banking system, as much so as my friend from Philadelphia county, or any other man: so are many of my constituents; and although gentlemen think the pressure and panic is only felt in the great commercial cities, it is all a matter; it pervades the whole community. I have the honor to represent a farming district; I am a farmer myself: and so much is the stoppage of specie payments felt, that in a letter received to-day from one of my constituents, he says the people there wish the banks destroyed. Another gentleman of learning and experience, after giving me his views on amendments, closes with a desire pretty much in unison with a resolution offered by me some time ago, and on the floor, to wit: restricting the Legislature on the subject of banking. I shall, therefore, when the yeas and nays are called, vote against the amendment offered by the gentleman from Adams, my facetious friend, Mr. Stevens.

Mr. FULLER, of Fayette, said, that he would vote for the proposition of the gentleman from Adams, and then against the amendment itself. He would pledge himself to go with that gentleman, or any other, to cut up the principle of banking: and he believed that a large majority of his constituents would bear him out in it: but the amendment of the gentleman from the county of Philadelphia he could not support, although he highly respected the source from which it came. As far as he was acquainted with the fact, the people had not called for this amendment: they had not suffered for the want of any such provision. The amendments to the Constitution which the people wanted, were few and (as the gentleman from Luzerne said) simple. They were easily understood, and could be quickly made. But he should oppose all amendments, even if brought forward by political friends, unless they were obvious and simple, and demanded by the people.

He said that he had never seen any abuse of power by the Legislature, for the want of the provision introduced by the gentleman from the county of Philadelphia. The case which had been mentioned from the county of Fayette, he did not think an abuse of power, and he should have voted for it if he had been in the Legislature. He would vote for the proposition of the gentleman from Adams, and then against the amendment.

Mr. M’CAHEN said, that his attention had been drawn to the proposition of the gentleman from Adams, and he was somewhat perplexed to know whether he was serious. One thing he knew, that it did not agree with the speech of that gentleman the other day. If he was serious now, he was very inconsistent, but was unprofitable to make any more speeches merely to consume time, and prevent the Convention from proceeding to the business for which it was called together.

Mr. STEVENS replied, that if the gentleman would only let him out now, he would promise not to do so again.

Mr. STERIDGEE wished the gentleman from Adams to accept as a modification to his amendment, the following words, to come in at the end, viz: “and that all the charters of the banks now incorporated be repealed.”

Mr. STEVENS replied, that the gentleman should put a clause, “and that all men be allowed to steal as much as they pleased!” Until the gentleman added this to his proposition, he could not accept it.

The remarks of Mr. REIGART were not received in time to be inserted in their proper place. They will be given to-morrow.
CONVENTION PROCEEDINGS.

(Continued from Tuesday.)

REMARKS of Mr. REIGART, of Lancaster, on the proposition of Mr. Ingersoll to insert the following in the first article of the Constitution:

"The respective powers of Government, legislative, executive and judicial, are, by this Convention, severally distributed and established in three distinct branches, viz.: a legislative, an executive, and a judiciary, neither of which separate branches shall exercise the authority of either of the others, except where this Constitution so directs."

Mr. REIGART, of Lancaster, arose and addressed the committee as follows:

Mr. Chairman—If this was a legislative body, assembled for legislative purposes, and if the subject before us were a legislative enactment which depended on a question of expediency, we might venture to experiment, because if the experiment failed after a trial of a year or two, our successors might repeal the enactment, and harmony and order would be restored. But, sir, we have assembled for no such purpose; to us is committed the fundamental law of a great and mighty Commonwealth; to our hands is committed the entire Constitution of this enlightened people; the legislative, executive, and judicial powers of this people, are entrusted to our care; we have been entrusted with the high powers of revising and amending this charter of the liberties of nearly two millions of people, and I therefore trust we are all duly impressed with the solemnity and responsibility of our situation. We are now called on to add a new article to the Constitution on the subject of the legislative power, and it is given to us under the captivating title of the "Distribution of Power." On this subject, I apprehend, we shall all agree—all seem anxious to keep these three great powers separate and distinct. We are not wiser than our ancestors; they have kept these powers separate and distinct—each revolve in their separate spheres, and are uncontrolled by each other, except so far only that the legislative power, aided by the executive, possess the law-making power. These two branches being immediate and direct emanations from the people, and possessing this power, must necessarily, in some degree, control the judiciary. But, sir, this is not the entire article proposed to be substituted—the words are, "neither of which separate branch shall exercise the authority of either of the others, except where this Constitution directs." This, sir, as it has been explained and admitted in the argument, is intended to control the legislative power in what gentlemen are pleased to call judicial legislation. What is judicial legislation? As I understand it, it means that kind of legislation (if there can be such legislation) as belongs exclusively to the courts of justice—the power of trying causes, recording verdicts, pronouncing and entering judgments, awarding executions, and in fact, carrying into effect all its orders, judgments and decrees. But, sir, what cases have been relied on and cited by gentlemen here, for the purpose of sustaining this clause made against the legislative power, of judicial legislation, as they are pleased to call it?

The first case relied on by the gentleman from Franklin (Mr. Dunlop) to sustain this charge, is the act of 1826, relative to curing the defective acknowledgement of deeds by married women. Permit me now, if you please, to consider this matter. This mischief was widely spread. More than millions in value, of real estate in this Commonwealth, was held by deeds defectively acknowledged, for which the full value had been paid, and the parties perfectly satisfied with the bona fide execution of the contract. There being then a vast amount of real estate thus held, the titles under the act of 1770 were notoriously defective. The legislature, being thus aware of the mischief, applied a remedy, and by the enactment of the law of 1826, cured these defects; and this act has been called judicial legislation! Certainly, it can require no argument to prove that this is a remedial law, and such a one, nothing more; and does not, in any degree, whatever partake of judicial legislation. Divorces granted by the legislature, have also been cited and relied on. The gentlemen who have cited these cases have forgotten, or seem to have forgotten, that the legislature have never passed any divorce acts without being well assured that the court did not possess the power of divorcing, as conferred on those tribunals by the acts of assembly. The law having failed to provide an adequate remedy, the parties were remedyless, unless the legislature interfered. Are such laws judicial? Are they not entirely and purely remedial? As to the policy of granting those divorces, I say nothing. Cases of the kind are often particularly circumstances, and as every case depends on its own circumstances, who of us are disposed to blame the legislature for doing what they may conceive to be right? We might, it is true, not always agree with them; but that is no argument, nor does it follow that we should be right and they wrong. But the great Nicholson case has been cited by the gentleman from the county of Philadelphia, [Mr. Ingersoll,] as a case of judicial legislation. I have listened very attentively, as I always do, to the argument of that learned gentleman, and I have not been able to discover any thing like judicial legislation with respect to that case. The legislature did not change the law—they only provided a remedy; so that the law seems to have been remedial. What was that
case! John Nicholson was a public defaulter, for an immense amount. He had used the public money to purchase lands, which were located, surveyed, and returned. There was no dispute about the indebtedness—he having himself conferred a judgment to the Commonwealth of Pennsylvania for the amount due. The Commonwealth agents seized these lands, and in some instances re-sold them to individuals. The heirs of Nicholson brought their action for these lands, and the question was, shall those heirs recover the lands, leaving their ancestor (Nicholson) largely indebted to the Commonwealth? And shall the lands and money both be lost to the Commonwealth? Why, sir, common justice and common honesty are startled by a proposition so ghastly and dishonest. Now, sir, these are the cases on which gentlemen seem to rely to prove their charges of judicial legislation! Permit me just to advert to a few others, which men from undertaking this kind of business. But the legislative body so stupid and blind to grant this to a man who would pocket the money, and when his children came of age and demanded their money, neither the father nor the security would be worth a farthing; and thus the children would be cheated out of their property. Now, to suppose such a case, we must go further. Let us carry it out, as the gentleman has neglected to do so. We must suppose the Legislature stupid and blind to grant this to a drunken father; and we must suppose the court to be corrupt not to require good security. All this, however, is mere fancy, and I call upon that gentleman to give us a case where this has happened; and as he has had very considerable knowledge and experience in the affairs of the world, he would be as likely as any one to know if it had actually occurred. Why, Mr. Chairman, you have had very considerable experience in matters of this kind. I have myself had some, and we both know that the great multitude of these cases are generally conducted by guardians who, in most instances, give security when they are appointed by the orphans' court, and all give security of the best kind when estates are sold under an act of assembly, and that courts are excessively particular in matters of this kind—so much so, indeed, as to deter our best men from undertaking this kind of business. But the legislative power is again assailed, and charged with having exercised judicial functions in the case of Satterlee v. Mathers. This case I understand but imperfectly; but, sir, of one thing I feel assured, that the case is stated by some gentleman who fully understands it, I have no hesitation in saying, that the last prop of the gentleman who assails this article will fall to the ground. I feel the more certain of this being the case, as to suppose otherwise, would be to charge the Legislature with not knowing their duty, or with an open, notorious, and flagrant violation of the Constitution—which with which I, for one, will not charge them, and do not believe they have been guilty of.

One word, sir, to the gentleman from the county of Philadelphia, (Mr. Brown,) who has spoken against the Legislative power exercised under the present Constitution, and who called on the reformers in this body, as a party, to go with him in his wild speculative schemes. That gentleman should always bear in mind, that he is addressing a grave and dignified body of grave men, assembled for grave purposes—in these instances the judicial tribunals have no power to direct a sale. Would it be right that the minors should go unprovided for, and remain uneducated, and their future usefulness jeoparded, because there is no power anywhere to turn their unproductive real estate into money? No, sir; I apprehend no one will say that this is not a proper case for legislative enactment—and yet, according to some of the gentlemen who have discussed this matter, it is judicial legislation! But the gentleman from Franklin (Mr. Dunlop) has given us a fancy sketch on this subject; he has told us that a drunken father may apply to the Legislature for authority to sell the real estate of his children, and procure authority for that purpose, and then give some worthless fellow as security for the payment of the money to his children; that he would then pocket the money, and when his children came of age and demanded their money, neither the father nor the security would be worth a farthing; and thus the children would be cheated out of their property. Now, to suppose such a case, we must go further.
DAILY CHRONICLE AND CONVENTION JOURNAL.

Why consider the branches are not competent to do so. Can there be a better or safer depository of this residuum of power than the Legislative branches of this government? They are the immediate representatives of the people, and nearly four-fifths of that branch return annually to the people. To whom, then, are they amenable for the exercise and abuse of that power? No gentleman, certainly, would permit a mischievous to exist without providing a remedy; yet here it would be so.

If, however, this committee should believe this legislative power is too great, and that it should be restrained, this I apprehend is not the proper place to provide against the abuse of that power. Let it be reserved to the people in the bill of rights: we can then, if we please, introduce something certain, fixed, and specific, incapable of misconstruction or evasion; but until I am convinced that this (as it seems) superabundance of power cannot safely be trusted with the Legislative branch, I shall strenuously oppose its introduction here or elsewhere. Nothing has yet been said that has convinced me on that subject. My mind, it is true, is open to conviction; and all arguments will be respectfully attended to, and have their due weight in the consideration of the subject. But, sir, what is the object after which this amendment shall have passed the committee, if it can pass at all? It will then be followed up by attempting to turn the Legislature into a kind of high court of errors and appeals, to affirm or reverse judicial decisions. The second article appended to resolution No. 35,...

The bank of England, many years ago, suspended specie payments; and when it resumed, general distress and ruin were the result. The bank of the United States had discontinued with excessive liberality about the years 1818-19, under the administration of Mr. Jones; it had increased its circulation with but little specie, until it was on the verge of insolvency. On one day it had but a few thousand dollars remaining in its vaults. The directors were obliged to retrace; they elected Mr. Chetwode president, and he pursued a policy at rigorous as that of his predecessor had been lax. The curtailments were unnecessarily sudden. The result was general distress and embarrassment, which pervaded the whole country, and was far more severe than that of the present year. In Philadelphia, the failures and the stores to rent, were far more numerous than then now.

Again, in 1826, a period of pressure arose that was felt particularly in the eastern States, where a large number of the manufacturers failed. A friend of the United States Bank had informed him, that the managers of that institution had foreseen this crisis, and prepared for it by curtailments. Might not these curtailments have been the real cause of the embarrassment of that period?
hension of injury from the Government, had curtailed with excessive rapidity. It accumulated 13 millions of specie with but 18 millions of circulation, or thereabouts. The natural effect was embarrassment, and a fall in prices of property. About the same time, the bank of England had specie to nearly half the amount of its circulation. In the years 1835-6, both these banks improperly expanded their loans and issues. That of the United States, though it had reduced its capital nearly one half by sales of its branches, yet greatly increased its circulation—while the amount of its specie, like that of its capital, was diminished. This expansion, followed by the local banks, produced a rise in the prices of property; this rise produced speculation, which went on with increasing power, until the currency, in its expanded state, was insufficient to make the daily payments. Then came the crash, which was more immediately produced by the conduct of the bank of England. That bank, in its expansion, had discounted so liberally, that merchants at London, Liverpool, and Manchester, engaged in the American trade, had given letters of credit, or permission to draw for large amounts in advance, on intended shipments to be made in this country when the crops came in. A few months since, that bank found that its specie was rapidly departing, and that curtailment was indispensable. Instead of curtailing gradually and wisely by diminishing weekly, a very small per centage on all its discounts, it selected the merchants in the American trade for its victims. It made a sudden and almost total cessation of discounts of American bills. The effect was, that these merchants were obliged to stop their accommodations to merchants in this country, and to dispose of the cotton on hand at forced sales to obtain money. This produced the failures at New Orleans and New York, and the sudden and almost unprecedented fall of cotton which had carried distress throughout the south-western country. The directors of the bank of England had admitted, in effect, that this fall of cotton was caused by their change of policy; for on a late application from Liverpool and Manchester for loans, they had refused them, because the consequence would be a rise of one or two pence per lb. in cotton, which they alleged would be unsuited to the public. It would really have been just, because the bank had caused an unnatural depreciation.

He (Mr. Earle) was opposed to the whole system—to all monopoly, or exclusive privilege—to all restriction upon the private management of private business, in such manner as those who carried it on thought best for themselves, provided they did not encroach on others. He would let every man sit in peace under his own vine and his own fig tree, with none to molest or make him afraid.

He would allow individuals to use what they pleased in making exchanges, so that both parties were agreed. Gold, silver, wheat, shells, beads, or paper; and he felt sure, that when left to themselves, individuals would find out and practice the best system, as they did in relation to ploughs, steam engines, and all the arts; while the interference of governments, by forcible regulations, had the same effect as it would have had, to have prescribed what mechanical machines should be used.

Men of both parties had committed an error in disputing about the mode by which the governments, state and national, should regulate the amount of currency that should be dealt out to the people. He would divorce this matter entirely from the governments. He would confine the action of governments to enforcing contracts, and preventing or punishing frauds. They might properly put a stamp on a coin to show its weight and purity, or a stamp on paper as evidence of the security given for its payment. But to regulate the amount of either as now done, was as pernicious as to regulate the supply of wheat or any other article. Suppose the last Legislature had passed a law directing the quantity of wheat to be sown this year—would there not have been too much or too little? Will not the quantity be nearer right when left to the operation of natural causes? The very attempts made by the Legislatures to produce uniformity of currency by prescribing the number of monopoly corporations which shall issue it, produce the evil which they are designed to prevent.

Were an individual to select others as the guides or physicians to regulate the quantity of food he should eat, and change the physician every day, it is easy to perceive that he would be very irregularly fed, and much worse than if left to the dictates of his own appetite. Our Legislatures undertook to regulate the amount of currency and the number of banks, and these Legislatures were changed every year. The experience of this, and other States, showed that the people were starved for one or two years, and then fed to platitude by a new set of political doctors.

These doctors did not act entirely upon their disinterested judgments, but their power to grant monopoly privileges introduced corruption into our legislative halls. The views which he (Mr. E.) entertained respecting free trade in banking, he had expressed in a pamphlet published fourteen years since, now in the hands of one of the members of this body. He should vote according to those sentiments, and to those which he expressed at home before his election. But you do not always find in the votes of our legislators, adherence to their professions in election speeches and newspaper paragraphs. Some held up gold coin as public meetings as the only true currency; and, when elected, voted to double the banking capital of the State. After all the talk and speeches about specie currency, he had seen members of Congress of both parties, after becoming indebted to the banks of the District of Columbia, for money for land speculations, recharter those banks upon the old plan; and in the last Legislature of Pennsylvania, the proposition to prohibit small notes could not be reached. We knew that corruption in obtaining charters in New York, had been proved; and well informed men were convinced that improper influence obtained them in Pennsylvania. Those who wished charters gave large sums to bores, or lobby members, which sums were never returned. Some was expended in luxurious eating and drinking; what became of the rest, we know not; but we know that those who expended most money to employ bores, were most successful in getting charters, while the applications of the less wealthy were rejected. We know that members of the Legislature placed their relations and friends as Bank Commissioners to distribute stock; that they refused to word the laws so as to secure an equa
and fair distribution, and that the Commissioners and members got the stock to the exclusion of the people at large.

Let us prohibit all special charters for business transactions, then we may have general laws to regulate them; the sessions of the Legislature will be reduced in length; the public business now neglected will be attended to; and that corruption which William Cobbett had asserted abounded more at Harrisburg than at London or Paris, will be abated.

Abolish special charters of monopoly privileges, and we may obtain general laws under which joint stock associations would flourish. These associations were very beneficial in enabling the many of small means to compete in business with the few of large means. They were essential in promoting the proper diffusion of property, and thus preserving the continuance of republican institutions. This doctrine had been sustained by Mr. Taney, now chief justice, in a report as secretary of the treasury. It was sanctioned by a majority in the last Legislatures of New York and Michigan, and by one branch recently in Connecticut. The Hartford Times and the Augusta Age, leading democratic prints in Connecticut and Maine, sustained it, together with able prints in New York city. The Scotch banks on the free trade system, had been extremely stable; not one had failed in twenty years, and the currency had not fluctuated as in other countries. Under free competition, the currency would be proportioned to the demand; plans would be invented for equalizing exchange better than any national bank. Suppose that notes were issued in any state simply secured on real estate, with a public stamp showing that security, and those notes bearing interest and redeemable at a certain date after demand. Suppose a western merchant sells his produce at New Orleans for such notes, and brings them to Philadelphia to buy goods; they increase in value on the voyage by an accumulation of interest; a Philadelphia merchant takes them, and sends them to New Orleans to buy cotton, still increasing in value. Such notes could equalize exchanges, and such notes could be adopted if the laws were free.

Currency should represent value. Value is founded generally on labour. The average value of gold and silver is proportionate to the average quantity of labour required to dig the ore, and purify and coin it. But gold and bank paper fluctuate in value with the quantity in market, and currency, on the existing system, generally tends to a scarcity, embarrassing to business operations. The reason of this tendency is, that it produces no income. Leave the people free to act, and a currency will be devised, secured on real estate, or otherwise, bearing interest, which will be equivalent to small mortgages circulating from hand to hand. Such currency would be more abundant and more stable than our present bank notes. Such a currency had been successfully tried by Frederic the Great in Prussia, and our treasury notes which circulated in the late war were similar in principle.

A gentleman from Montgomery has objected to the prohibition proposed, because the U. States bank charter will expire later than the others. But the Legislature can repeal that charter if it sees fit, by paying a compensation, leaving the question of abstract right to repeal without compensation. This, therefore, constitutes no obstacle.

The banking monopoly system and usury laws, founded on the same doctrine of governmental interference with private business, are directly anti-democratic in their effects as well as principles. The party having most wealth always took especial care in the city and county of Philadelphia, to obtain the control of all the banks by a majority of directors of that party. It was not to be expected that those men could have the same good estimate of the merits of political opponents who might apply for loans, as of those of their own party; for men's opinions of the personal merits of lawyers, doctors, and merchants, were often affected by the circumstances of agreement or disagreement in political matters.

The usury laws prevent the poor men from rising. A man with industry, skill and economy, but without wealth or wealthy friends, can afford to pay two or three per cent. more interest at bank, than a man nursed in the lap of luxury with little skill and industry, and living expensively. The latter individual, under our present system, obtains bank loans, because he has friends in the direction, and wealthy relatives to endow for him. The former is refused, because without these aids, and because your law will not permit the bank to loan him at a little higher rate than to the other man. Repeal all interferences with private business and contracts, allow free competition, and then men will not fail of their just success, either because of politics, or of the want of wealthy friends or relations.

Mr. Ingersoll said, he hoped that when the committee rose, it would not sit again immediately. He had not had time to consider the amendment of the gentleman from Adams. His speech he had listened to with great delight. It seemed to assimilate a little to his report, about which that gentleman said it was calculated for the raw Irish. He could assure that gentleman, that if he should visit the parlors which he talked about, that Mr. John Cade would be as apt to greet him (Mr. S.) as a companion, as himself. He was, however, pleased with his speech. He remarked that he thought his friend (Mr. Earle) went too far in denying to the general government the right to regulate the currency. There had been another sentiment expressed by his friend (Mr. Martin) which he could not agree to, and that was, that a member of the legislature, once chosen, might do as he pleased, provided he did no wrong. He believed that a member had no such power.

Mr. Ingersoll signified his willingness to withdraw the amendment. Mr. Forward moved that the committee rise, which motion was lost.

Mr. Curll renewed the motion, when it was negatived.

Mr. Sergeant arose to ask the gentleman from the county of Philadelphia, who, he believed, would not intentionally make a false statement, whether he might not be mistaken in stating that the bank of the United States curtailed its discounts in 1828? He stated that somebody told him so. The gentleman was mistaken. There was no curtailment. On the contrary, as long as the present President had presided over the institution, with a tacit peculiar to himself, he
had extended discounts in times of embarrassment: And, until the difficulty between the government and the bank, no embarrassment had deranged the operations of the country. He also wished to know, how he knew that the profits of mining were graduated to the profits of working land?

Mr. EARLE replied, that he did not state the fact, in relation to the bank, from his own knowledge. He was told so by an individual who was a friend of the bank. With regard to the profits of mining, the profits arising from working poor land, were about equal to it—and when specie was high and produce low, the mines would be worked—and when specie was low and produce high, the land would be tilled. These things regulate themselves.

Mr. SERGEANT replied, that the answer was not satisfactory—it resulted in theory. He asked for information, because he had always supposed, that if there was any business which resembled downright gambling, it was mining. All men were liable to error, and the gentleman who had just taken his seal furnished evidence of the fact. The bank had never sold or diminished its capital.

Mr. EARLE replied, that the bank sold its debts to the bank of Kentucky, and to other banks.

Mr. SERGEANT replied, that the bank only changed its debts but did not diminish its capital, or sell its stock.

The question was then taken on the amendment of Mr. Stevens, and negatived by the following vote:

YEAS.—Messrs. Brown of Philadelphia, Clark of Dauphin, Clarke of Indiana, Crain, Donagah, Earle, Farrelly, Fuller, Gamble, Gerlart, Gilmore, Hamlin, Hopp, Hyde, Ingersoll, Krebs, Magee, McCall, Merrill, Miller, Montgomery, Overfield, Read, Rogers, Sellers, Sheets, Smith, Smyth, Stevens, Stickel, Swetland, White, Woodward, Young. 34


Mr. INGERSOLL then commenced a speech, but gave way for the committee to rise.

The committee then rose, and obtained leave to sit again at four o'clock, when the Convention adjourned.

Tuesday Afternoon, May 29, 1837.

Mr. Ingersoll resumed his remarks in support of the proposition. He said he had been mistaken by those who supposed that he gave a preference to Franklin’s Constitution of 1776 over that of 1789. He infinitely preferred the latter as a whole. The want of a senate, he thought, was a radical error in the former. When he spoke, as every one did, with veneration and respect for Dr. Franklin, he did not speak of him as a Constitution maker: on the contrary, he believed that he had some wrong notions on that subject. The idea of one representative legislative body, he disapproved of; and also that which Dr. Franklin favored in the Federal Convention, of a triple executive. The provision respecting impeachments in the Constitution of 1776, he did prefer to that of 1789, and he would be very glad now to adopt from the former the word “mal-administration,” instead of “misdeemander.” He had never, he also said, intended to take all remedial power from the hands of the Legislature: God forbid! all that he contemplated was, to put a stop to legislative usurpation. He pointed to some of these cases, and insisted that there was nothing in Turkish, Polish, or Russian usages, that could equal these in injustice and oppression. The supreme court of the United States got rid of them by deciding, that the action of the Legislature did not fall within the clause of the Constitution which prohibits the States from impairing the obligation of contracts. They said that it rested with the people of the State to take the power from the State Legislature, if they pleased.

In reply to the argument that the Legislature would be controlled by an independent judiciary, he alluded to the fact that Chief Justice Marshall, Mr. Justice Washington, and the Chief Justice of this State, who were great and independent judges, had said that no judge had a right to declare a law unconstitutional. In passing upon this clause; therefore, we must rely upon our own judgments alone, without referring to the uncertain and distinct opinions of the judiciary. What an ex post facto law was, no two judges or lawyers could agree; and no matter how many the Legislature passed, they would never be set aside by the judiciary. Although he had so high an estimation of this government as to believe that, if the currency was tight, all the rest might stand still, and that still we would be an independent and happy people; but yet it was our duty, in settling the principles of a government, in providing for all the events which might bring them into dispute. It had been argued that the people had committed their whole power to the Legislature; but this he denied. He was sorry to say that a large portion of the members of the Legislature came here with the idea that they could do as they pleased, provided they did nothing morally wrong. To guard against this dangerous idea, it was necessary that this limit should be set to their authority. We would put a caution in the frontispiece of the Constitution, for the legislative body to look at and to regard.

He replied to the argument of the learned gentleman from Philadelphia, (Judge Hopkins,) that the several powers were already distributed under the present Constitution, and admitted that this was the strongest argument he had to contend with. If it was correct, then the arguments against such a distribution from the learned President and the gentleman from Union, would go for nothing, and the whole dispute would turn out to be one of mere words. He considered this point; and came to the conclusion, from the phraseology of
the Constitution, that, if this distribution was there, it was there very unfairly and imperfectly. The supreme court of the United States had said, that it was imperfectly distributed, and had mentioned it as a fault. He would put it in such burning letters on the face of the Constitution, that those members of the Legislature who came here, as nine-tenths of them did, thinking they had a right to do what they pleased, should have it always before their eyes. He wished to see it there radically and perfectly.

Mr. EARLE asked his colleague whether he would accept the first part of the amendment offered by the gentleman from Adams, this morning?

Mr. INGERSOLL. Yes.

The amendment, as modified, by inserting the words "exclusively belonging to" after the word "of," was then lost—yeas 41, nays 46. It were also invalids. He would put it in such burning letters on the face of the Constitution, that it was imperfectly distributed, and had mentioned it as a fault. He would put it in such burning letters on the face of the Constitution, that it was imperfectly distributed, and had mentioned it as a fault. He would put it in burning letters on the face of the Constitution, that it was imperfectly distributed, and had mentioned it as a fault.

Mr. BROWN said, though there might be some gentlemen who were able to sit here all the morning, then all the afternoon, and sin in the evening to write letters; yet others were not. Many of them want exercise and relaxation already.

Mr. PORTER, of Northampton, hoped, he said, that the resolution would be so modified as to fix the time for adjournment at one o'clock.

Mr. MANN said, he would prefer to have the hour of adjournment discretionary with the Convention.

Mr. BROWN said, though there might be some gentlemen who were able to sit here all the morning, all the afternoon, and sin in the evening to write letters; yet others were not. Many of them want exercise and relaxation already.

Mr. PORTER, of Northampton, hoped, he said, that the resolution would be postponed till the first article was disposed of. To sit in that chair for six or eight hours a day, was rather tough. That ishment he did not wish, by his own vote, to inflict on himself. He would like to see the experiment of an afternoon session tried; gentlemen would soon be sick of it.

Mr. STERLING moved to amend the resolution as follows: Resolved, That hereafter, on Mondays, Wednesdays and Fridays, the Convention will take a recess from one o'clock till four in the afternoon, until otherwise ordered.

Mr. RITTER said, he did not believe that any advantage could possibly arise from agreeing to the gentleman's resolution from Lancaster; but if the gentleman would so modify his resolution, as to effect an adjournment at 1 o'clock, and assemble again at 4 o'clock, he would vote for it, as it would then be more acceptable, as much as it would afford time for dinner, and some exercise; but that he would prefer sitting until 3 o'clock, and then adjourn for the remainder of the day, as he himself was a complainer, and did not admire close confinement. He believed that many of the gentlemen present would be compelled to restrict themselves in diet, to endure such close sitting, and that he sympathized with others of the Convention, who were also invalids. He was convinced that fifteen days' sitting, morning and afternoon, would prove the error of afternoon sessions; and he predicted that those who were now of the strong would then be numbered with the indisposed. He regretted to have troubled the Convention so long in this matter.

Mr. CHANDLER of Philadelphia was glad, he said, that we had got upon the subject of dietetics. We came here to alter the supreme law of the land, which, he said, was the "vitas populi." In taking care of the Constitution of the body politic, we must not be unmindful of our own constitutions. Such speeches as we had yesterday, he thought suitable to an afternoon session, though he would be far from casting any reflection on that speech. He commented on the afternoon session of yesterday as a fair specimen of the utility of afternoon sittings. He was in favor of the modification suggested by the gentleman from Montgomery.

Mr. HEISTER accepted the amendment made by Mr. Sterigere, as a modification of his resolution.

Mr. MARTIN opposed the change, as leading to irregularities of diet. To dine one day at 1 o'clock and the next at 3, would not suit him. He liked something more regular. The standing committees had not yet got through with their business, and would not for some weeks to come. He found his time very fully occupied, at present; and, in fact, he was obliged to rise earlier than usual, in order to get through with his business.

Mr. JENKS moved to postpone the consideration of the resolution for the present.

Mr. DARLINGTON said, if the plan should not be found to work well, it might be abandoned after a fair experiment. Heretofore, the experience of the Convention had been decidedly in favor of afternoon sittings.

Mr. BROWN, of the county, said, any gentleman who had been in the Legislature, knows that the afternoon sessions were devoted to private bills, and that even then it was difficult to get along with the business, as few members attended. But we had no private bills, and no business which did not require full attendance and close attention.

Mr. JENKS said, he had moved the postponement after due consideration. The great majority of this body had been accustomed to an active life. If we subverted all our original habits at this season of the year, there were many members of this Convention who...
would never return to their domestic circles. His own health had already given way in consequence of five hours labor; and many members had complained to him of indisposition, growing out of a change of their habits, and the present long sittings. He was confident too, that the business of the body would not be expedited by afternoon sittings.

Mr. HEISTER said, that much greater danger would result from irregular meals, than from afternoon sittings. The hot months were coming, and by sitting in the afternoon now, we might get through the business, and avoid the necessity of afternoon sessions in the hot month of July.

Mr. Clarke, of Indiana, said this was to be understood in two points of view; as regards duty, and as regards policy. Our duty to ourselves and to our constituents did not, he thought, require an afternoon session. We came here for deliberation, not for much action, nor for great bodily labor. As to deliberation and legislation in the afternoon, he had never known any good come from them. The questions which were discussed, in little knots and coteries among the members, after dinner, were by far more profitable, in his opinion. As regarded himself, he was best with an iron constitution, and would not be the first to suffer from close confinement here; but he was apprehensive that others might suffer much inconvenience from a mode of life so foreign to their habits.

Mr. HOPKINSON said there was a public consideration in connection with this question, which, he thought, ought to control it. We were engaged in a kind of business, in which the error of a day could be corrected to-morrow. We were acting for future times, and what was settled now, might endure for a long time. The utmost caution and deliberation was, therefore, necessary to be observed in our proceedings here. What was the expression of yesterday? There were not half the members present, and many of them, as had already been mentioned, were asleep. A most important vote was yesterday taken in the committee of the whole, during the absence of a large portion of this body. The representations which the newspapers and letter writers would give of our afternoon sessions, would not be very creditable to us, as Constitution framers; and, if they should, by way of postscript, add that some of those members who were most anxious to make us sit here, in the afternoon, did not attend themselves, they would state what was the fact.

Mr. McDOWELL said, he would vote in favor of the postponement proposed by his colleague from Bucks, because it was in accordance with the medical opinion of the house, and particularly because it was agreeable to his own feelings. While those gentlemen, the medical faculty, do not exceed their jurisdiction, he had no disposition to appeal from their judgment. He said, however, that he had another reason for the postponement; he had a project in his head, which, if he was permitted to carry out, would be of great benefit to the house and the people. He did not believe gentlemen comprehended the evil they were anxious to remedy. He wanted to lay the axe to the root. His project was this—he said he believed there were about eighty-five men in this Convention, who had not spoken at all upon any subject. Now, what he proposed was this: that those forty-five gentlemen who had consumed the time of the house for the last six weeks should, if from no other motives than civility, yield the floor for the next six weeks, to those who had not spoken at all. He was himself opposed to monopolies, and he supposed, from what gentleman said, that all true democrats in this house were consequently opposed to them; for the members were all democrats, more or less.

He said if he could make this arrangement, he would go security that, in the six weeks prayed for, all the amendments to the Constitution would be completed. And he would further guarantee, that those amendments, when completed, would not differ in one single item from those that would finally be submitted, if we discussed and debated the matter for six months. Sir, said he, the gentlemen are mistaken; the fault is not in short sessions; it is in a disease of the brain which pervades this body:—no, sir, not the brain—there is very little of that element exercised in a large portion of the proceedings of this house. What should he call it? A disease of the tongue—it was that overweening thirst for talking—making speeches—these awful two and three hour speeches, which were delivered one upon the top of another, about every thing, and nothing. The Hon. James Buchanan—politics and political characters—it was these things that retarded the business proper of the Convention. He hoped gentlemen would unite with him in bringing about this reform. He agreed fully with the able and experienced gentleman from Indiana, that if there was more talking out of doors, and less in, we would get along, a great deal better. He liked this sentiment; it was the voice of experience and truth. He wanted to separate the speech-makers from the working men, and if he could succeed in his arrangement, the amendments to the Constitution should be made out and agreed upon by one portion of the Convention, while another portion was making speeches about them, or something else.

Mr. BROWN, of the county, said, that if the resolution prevailed, he should move a call of the House every evening, and have the sergeant-at-arms sent for those members who impose the afternoon sessions upon us.

Mr. COX thought, he said, that there were many strong reasons in favor of adopting the suggestion of the gentleman from Bucks. It would afford time to consult with that gentleman, and ascertain his views as to the time when we should speak; and also, as to what we should say. As it was his intention to prove that James Buchanan did make use of the expression which he had attributed to him he wished to ask the gentleman's permission to introduce that subject.

Mr. DARLINGTON said, if he had known that, in pressing the afternoon session, yesterday, he would have imposed on his friend from the county of Philadelphia (Mr. Brown) the duty of sleeping in his post, he knew not what influence it might have had upon his course.

Mr. SMYTH, of Centre, suggested that it would be better for the health, to sit three hours in the morning, and then two in the afternoon, than to sit five hours in the morning. He was sure that would suit his health better.
CONVENTION PROCEEDINGS.

(Continued from Wednesday.)

Mr. KERR said: Mr. President—I hope the motion to postpone the resolution now before the Convention will not be agreed to. When this resolution was under consideration a few days ago, the gentleman from Indiana, (Mr. Clarke,) as well as other gentlemen, gave their reasons at large against afternoon sessions; and the gentleman from the county of Philadelphia, (Mr. Brown,) who is also opposed to meeting in the afternoon, now calls upon those who have had experience in legislation to say, whether it is not altogether inexpedient and improper to pass this resolution? Mr. President, I have had some little experience in legislation; not so much, I admit, as the gentleman from Indiana. That gentleman, the other day, urged the impropriety of meeting in the afternoon, because members, after partaking of a hearty dinner, were unfit for work—and, he might have added, as I have frequently heard it done in the Legislature—especially if members indulge in a pretty liberal portion of wine, or other stimulants. I trust, however, that he omitted this under the impression, that the day had gone by when such a reason would be applicable, especially to such a body as this. I, however, doubt very much whether, if that gentleman had a number of persons in his employ, and they should offer the same reason for spending their afternoons in idleness or recreation, and still demand full pay, he would consider it a very good one. Other reasons are offered: members need time for reading and reflection, in order to be prepared for the duties of the ensuing day, &c. He then emphatically called upon us to recollect that we were now in the valley of the Susquehanna; that warm weather was coming, and that it was very important that we should take care of our health. Now, Mr. President, these and others, which have been offered, are nothing more than the old stereotyped reasons I have again and again heard repeated in the legislature of this State against afternoon sessions. But I ask to be excused for remaining an unbeliever in their correctness. I know, indeed, that legislators are usually influenced by them to postpone afternoon sessions until spring begins to approach, and they see some indications that warm weather is coming. Then, at the time when there is most danger of impairing their health by confinement, they find they must either leave undone the work they were sent to perform, or submit not only to afternoon but night sessions also. I have always considered the procrastination of business as a great error in our legislature, and I fear this Convention is in danger of falling into the same error. We have now been in session more than four weeks, and it may well be asked how much of the work we were sent here to perform has been done? And who are in fault that no more has been done? I do regret, sir, that attempts have been made within this hall as well as without, to charge this fault upon political opponents or partisans, and even in the public prints.

In one of the papers printed in this place, it has repeatedly been asserted, that the Democratic party in the Convention are anxiously urging on the business for which we have been sent here, and that they are opposed to all extra or unnecessary expense, while the Whig and Anti-masonic parties are just as zealously endeavoring to retard its progress and prevent an early adjournment, for the purpose of increasing the expense of the State; and the Editor of that paper had the impudence to lay those papers containing this foul slander on this body upon our desks. Sir, if the publishing of falsehood against any person, or against any body of persons, be slander, then has every member of this Convention been slandered.

Mr. FULLER said he was opposed to the postponement, and in favor of the resolution of the gentleman from Lancaster county, (Mr. Heister,) as modified, so as to adjourn at one o'clock and meet at four o'clock, giving a recess of three hours, which he thought was sufficient. The loss of health has been urged against this motion. He would ask any gentleman if six hours in the day was too long to be employed in session? He thought not, and the people of the State would not say that it was too much of their time—and he believed by dividing the time as was proposed would give time enough for exercise. But the main objection urged against it is, that the members will not attend to their duty, so far as to make the afternoon a profitable session. He was not willing to admit, that this very respectable body would not attend to the business assigned to them, but to deliberate and decide profitably in the afternoon sessions. With regard to the remarks of the gentleman from Washington county, (Mr. Kerr,) he would only say, that he concurred with him in saying, that we had done but little business for the time we had been in session. But he could not go with him in saying, that an Editor in Harrisburg had slandered this Convention by placing on our desks a paper, which stated that a disposition had been manifested by a portion of this Convention to retard the progress of business in it. He would ask any gentleman of this assembly, or elsewhere, whether there has not been sufficient ground for such an opinion or inference? Surely there had. When they would recollect that twelve able and talented speeches, each from one to two hours long, had
been made on a clause of the fourth article of the Constitution, and all on one side, and that successively too, on a question when there was but little difference of opinion, as stated from all quarters of the house; yet the vote could not be had on the question—and why it was so, was left to that Editor and the whole community to judge.

Mr. KERR replied: The gentleman from Fayette (Mr. Fuller) says, that much time has been spent uselessly, and, therefore, the editor Mr. EAIZLE said the way to prevent the long speeches was to write out long speeches. He adverted to the practice of the British Parliament, where they frequently sat all night.

Mr. DONAGAN moved to amend the resolution, so as to require an afternoon session to be held at 4 o'clock, on Mondays, Wednesdays, and Fridays in every week, after Monday next. The motion to amend was lost. The question being on the adoption of the resolution, it was decided in the affirmative—yeas 65, nays 56.

So the resolution was agreed to.

Resolved, That the secretary of the Commonwealth is requested to furnish to this Convention a statement, showing the number of officers, exclusive of judicial officers, procutors, registrars, recorders, and clerks of the several county courts, appointed by the Governor, setting forth their several titles, term of office, compensation, and the places where they exercised their offices.

First Article.

The Convention resolved itself into committee of the whole, (Mr. PORTER, of Northampton, in the chair,) and took up for consideration the reports of the committee on the first article.

The following section being under consideration:

"Sec. 1. The representatives shall be chosen annually by the citizens of the city of Philadelphia and of each county, respectively, on the 4th Tuesday of October."

The question being on the motion of Mr. WOODWARD to strike out the fourth and insert the second. The CHAIR decided that the motion was out of order, and gave his reasons for that opinion.

Mr. WOODWARD appealed from this decision, in order, he said, to test the sense of the committee on the subject, as it was important that the rules should be settled and understood.

Mr. READ gave his opinion, that the motion to amend was in order, and the decision of the Chair incorrect.

Mr. STERIDGE concurred in the opinion of the gentleman from Susquehanna.

Mr. STEVENS said, it was not the usage to allow appeals in committee of the whole. They were not in order, and he hoped we would not depart from the general rule.
Mr. DUNLOP moved to strike out the word "fourth" before "Monday," and insert "third."

Mr. FARRALL, of Crawford, said, that a change in the time of holding the general election was called for by the people in the section of country which he represented. About the time of the general elections, the farmers were busy, and frequently did not attend the election. He thought that if it was put off three or four weeks, it would be much more convenient for the people.

Mr. CLEAVINGER, of Greene, was also in favor of changing the time, and he thought the third Monday in October, which was embraced in the amendment of the gentleman from Franklin, was the most convenient time. He thought that this question belonged exclusively to the farmers, and that the professional men, who could attend elections at any time, ought to leave it to them. As the gentleman from Crawford had remarked, the second Tuesday in October was a very busy season of the year, when the people were engaged in sowing, and in harvesting their buckwheat. Professional men and mechanics would not suffer any material inconvenience, while the farmers would be able to attend the election without neglecting their business. He believed that it was upon the votes of those who till the soil, that we were to depend, to save our liberties, and to preserve them inviolate.

Mr. WOODWARD said, he was opposed to the amendment, and in favor of the time as it now stands in the Constitution. He dissented from the gentleman from Greene, that none but farmers in the Convention had any interest in this question. Every member had an interest, no matter what his occupation was, and every class of citizens in the Commonwealth had an equal right to have their interests consulted. The second Tuesday of October was the day of election fixed by the Constitution of 1776, and the Convention of 1790 did not change it. As far as he was able to learn public opinion, no change was called for. There had been no public meetings which had recommended it, and no expression of the views of the people, in any way, had demanded it. On the contrary, the people had become accustomed to the second Tuesday in October, and all their political associations were connected with that day. If the farmers, in any particular section of the State, were busily engaged on that day, in other sections they might be more at leisure, and they should be willing to submit to some inconvenience in the exercise of so high a privilege as the right of suffrage. In the section of the Commonwealth which he represented, public opinion was against a change in the time of holding the election.

But there was another reason why he should vote against it. He was opposed to every change in the Constitution not called for by the people; and he appealed to those delegates, who were in favor of making some important amendments, not to endanger the substantial and necessary reforms, by putting into the amended Constitution, that which was not called for by public opinion. The people had become accustomed to vote on the second Tuesday of October: it had become a sacred day, when they passed judgment upon the acts of their public servants.

Mr. FLEMING, of Lycoming, was opposed to the amendment of the gentleman from Franklin, and also to the report of the committee, for the very reasons which had been urged in favor of its adoption—the convenience of the farming interests. When it would be in order, he would submit a proposition, which, in his opinion, would much better suit every section of the State. But he was almost afraid to name the word—"order"—there were so many men, who seemed disposed to enlighten the Convention on it, whenever it was moved. For his part, he cared little about rules, provided he came to the consideration of the Convention. He said that he was opposed to this amendment, because he thought that one could be made which would suit the people much better, and that was to strike out the "fourth Monday in October," and insert the day fixed by law for the choice of electors for President and Vice President of the United States.

Mr. JENKS, of Bucks, said if there was one amendment to the Constitution which the people desired, it was that embraced in the proposition of the gentleman from Franklin. The election on the second Tuesday in October, happening at the busy season of the year, had been a subject of complaint ever since he could recollect. The amendment of the committee made the time too late, and would carry the election into the time of harvesting the corn crop; and, besides this, the aged and infirm would be kept at home, if the time was fixed so late, that bad weather commenced. The time between the two periods was the most convenient. He said that he had not examined the Constitution of the United States; but if it was competent for the Legislature to modify the law for the election of Presidential electors, so as to fix the time on the day of the Presidential election, it ought to be done. As it now was, many lost their votes by not being able to vote without neglecting their business.

Mr. COX, of Somerset, agreed with the gentleman from Lycoming, that the general election should be fixed on the same day with that for electors of President and Vice President of the United States. So far as the people of Somerset county were concerned, he knew that the change would be acceptable, and he believed that if the election was held in the first part of November, instead of the first part of October, that some counties alone would poll from 500 to 1000 more votes. In some sections of the Commonwealth, work was done much later than in others, and in Somerset and the adjacent counties, there was no time in the year, in which the farmers were more busy, than on the first of October. The gentleman from Luzerne says, that the people have become accustomed to the second Tuesday of October, and that they are opposed to a change in time. It might be the case in Luzerne county; but he believed that if the time was fixed on the day of the Presidential election, 10,000 more votes would generally be polled. At that time they have finished their seeding and their buck-wheat harvest. The gentleman from Bucks has objected to fixing the time in November, because the bad weather may keep the aged and infirm from the polls. There was generally no great change in the weather in so short a time; but if here was, the additional number of votes from the active and laboring
ing people would be ten to one, gained by a later election. In the
said towns and villages, the people could turn out at any time—but the particular time, he had been balancing in his mind which of the pro-
farmers were obliged to attend to sowing their seed and harvesting
positions to vote for, and had not yet made up his mind. The gen-
tlemen from Chester has remarked, that the election districts were
small, and farmers could spare an hour, at any time, to vote, without
inconvenience. In the west, the election districts were not always
small; they were frequently so large, that it took the whole day to
ride to the election and home again; so that it required some patron-
ism to induce men, under such circumstances, to attend the polls.
Every accommodation should be afforded to the whole people, for
them to exercise the right of suffrage. For his part, he wished the
voice of the people to be heard. He desired the whole people should
speak; for he believed, that as long as the laboring people, the farm-
ers, attended the election, our liberties would be safe. He agreed
on this subject, with the gentleman from Somerset, although he did
not always agree with him, and especially on the subject of politics;
but on this subject, he believed he was right. The second Tuesday
of October was a time when the farmers were seeding or gathering
their buckwheat, and a much less number of votes were polled than
there would be, if the time was changed. Whenever the party to
which the gentleman from Somerset belonged, lost an election, that
gentleman blamed it upon the smallness of the vote; and he (Mr. C.)
did the same thing. He wished the whole people should attend the
polls: this was our safety.

The gentleman from Chester says, the second Tuesday of October
was fixed upon as early as the Revolution, and the Convention of
1790 did not alter it. But it should be recollected, that the great
mass of the population of the Commonwealth in 1780 was in the
eastern and southern districts; but since that time the north and west
had become populous, and were represented here. East of the
mountains, the season was earlier than in the east, the
hazel-nuts were cracked before husking time; in the west, after the
time of husking. The only objection he had to fixing the time on
the day of the Presidential election was, that that election came only
once in four years, and that the time was too late. In November, the
fall rains and cold weather might prevent many from attending the
polls.

Mr. Cox said, that if we adopt the report of the committee, fixing
the general election on the fourth Monday in October; it would bring
the State and Presidential elections too near together. They might
happen only four days apart.

Mr. Smyth, of Centre, was opposed to fixing the time of the
State election earlier than the fourth Monday in October. In Centre
county, the season was later than in the south-eastern counties. He
lived in the vicinity of the Allegheny mountain, where the farmers
were engaged in seeding and harvesting buckwheat in the first
part of October, and he agreed with the gentleman from Somer-
set, that if the election was fixed some time in the last of October or
the first of November, there would be ten thousand more votes polled
than there now is. The gentleman from Chester may be right, in
respect to the size of the election districts in the eastern counties, but
the townships in Centre county were large, and the election districts
were large; so that the farmers could not vote without losing more

Mr. Clarke, of Indiana, was in favor of some change, and he
believed that men from the west generally were. With regard to the
township, he voted for the first of November; and if the county,
there would be ten thousand more votes polled in the Allegheny
mountain, where the farmers were engaged in seeding and harvesting
buckwheat in the first part of October.
Mr. HESTER, of Lancaster, said, that it was evident, from what had been said, as well as from what he knew of the public opinion, that the second Tuesday of October was not a convenient time for holding the election. Of late years, the farmers had not finished sowing their wheat. After seeding, the buckwheat harvest commenced, so that one of the most busy times in the year was about the period of the election. He said that he preferred fixing the time on the day of the Presidential election; the farmers had then more leisure, and as it was about the time of the Indian summer, the weather was generally good. He said he had heard much complaint among the people on this subject, and there were no amendments more desired by the people of Lancaster, than an alteration in the time of holding the general election, and the fixing of the meeting of the Legislature on the 1st of January. The time embraced in the amendment of the gentleman from Franklin was too early. One gentleman says that there is no time when the farmers have leisure. He knew that they always had work enough to do, but there were some things that could not be delayed: the seeding and the buckwheat harvest could not be postponed, but the corn harvest could be.

Mr. AGNEW, of Beaver, thought that it had been truly said, that this was a question that, principally, concerned the farmers. With the professional men, there would be little difference on what day the election came. He thought that the farmers ought to be listened to, possessing as they did, as much honesty as any other class, and more intelligence than some gentlemen supposed. In the section of the country from which he came, the seeding and the buckwheat harvest were ended about the 15th of October, and he believed that nine-tenths of the people of Beaver county would be in favor of a change to the third week in October. One gentleman has laid great stress upon the fact, that the people were habituated to the second Tuesday of October, and that a change in the day would make confusion. He did not believe that the people were so attached to old customs. In the west, if not in the east, the people could tell the difference between the second and third weeks in October. He was opposed to fixing the time later than the third week in October; and especially fixing it on the day of the presidential election—thus blending the election of State and National officers. If we fix the time on the day for the election of President and Vice President, the act of Congress or the act of Assembly, founded upon it, might be changed, so that the object of gentlemen could not be accomplished. Besides, so late a day would keep the old and the infirm from the polls.

Mr. STEVENS moved to amend the amendment, by striking it out, and inserting:

"Second Monday and Tuesday of November, at which time the electors of President and Vice President shall be chosen, unless otherwise ordered by the Legislature—and none of the tickets shall be counted, until the polls have been closed on the last day of the election—and the polls shall close at six o'clock on each day."

The committee then rose, and obtained leave to sit again tomorrow, when the Convention adjourned.

Mr. TAGGART, of Lycoming, presented a memorial from sundry citizens of the county of Clearfield, praying an extension of the right of representation to all the new counties in the state. Laid on the table.

Mr. MEREDITH, of Philadelphia, presented a petition from sundry citizens of Pennsylvania, praying the introduction of a provision in the Constitution, prohibiting the Legislature from hereafter granting a license for any lottery, which was read.

Mr. MEREDITH moved that the petition be referred to the committee on the ninth article.

Mr. PORTER, of Northampton, said if the gentleman would look at the report of the committee on the ninth article, he would see that the committee had reported on that subject, and come to the conclusion that it was inexpedient to insert any provision on the subject in the Constitution. The committee say in their report: "Lotteries are an undisputed evil, and have been abolished and prohibited both by the good sense of the community and the enactments of the Legislature; and little, if any, danger can be apprehended of their re-establishment.

He suggested that when that report came up, the gentleman could move any amendment to it that he might see proper.

Mr. MEREDITH preferred, he said, to send the subject back to the committee, in order that they might revise their opinions.

The motion was agreed to.

Mr. COPE, from the committee on accounts, reported the following resolution, which was agreed to.

Resolved, That the President draw his warrant on the State Treasurer, for the sum of three thousand two hundred and six dollars and forty-four cents, in favor of Samuel Shoch and Samuel A. Gillmore, for the purpose of discharging the following bills, to wit: A bill of M'Carty and Davis for Parson's Digest and sundry stationary amounting to $1056 44

John Thompson's bill for books of Constitutions, 140 00

James Petcoff, on account of postage, 2000 00

$2206 44

Mr. DENNY, from the committee on the first article, made the following report:

The committee on the first article of the Constitution, ask leave to be discharged from the further consideration of resolutions, Nos. 41, 44, 46, 50, 60, 61, offered respectively by Messrs. Stevens, Curll, Long, Miller, Darragh, and McDowell.

First Article.

The Convention resolved itself into committee of the whole. (Mr. PORTER, of Northampton, in the chair,) and took up for consideration the reports of the committee on the first article.

The question being on the motion of Mr. STEVENS to amend the clause, so as to provide that the election shall be held on the second Monday and Tuesday of November, at which time the elec-
tion is held for electors for President and Vice President; and that the polls shall be closed, on the second day, at six o’clock P. M.

Mr. FORWARD, of Allegheny, rose and expressed the hope that the amendment offered by the gentleman from Adams would not be passed without some remarks, nor without some strong reasons from that gentleman in its support. Mr. F. then proceeded at some length to urge, in opposition to the adoption of the amendment, that it would have the effect of blending the interests of the state with those of the federal government; and, in fact, to merge the former in the latter.

He pointed to the patronage of the national executive, as exercised in the appointment and removal of custom-house officers, postmasters, &c. as forming within the state a strong cabinet influence, which was seen and felt at every election. To fix the state and electoral elections on the same day, would, he argued, be to attach the Commonwealth to the ear of the general government.

Mr. THAYER spoke on the question in reference to the farming interests, and advocated the alteration proposed by the committee as an advantage to the farming community, and no disadvantage to the people of the town. He did not wish this alteration for alteration’s sake, for he should vote for no unnecessary amendments, but he thought it proper and beneficial.

Mr. M’CAHEN said, he was indifferent to the result of the proposition now under consideration; but he rose to express his surprise and regret, that a gentleman of such pre-eminent standing in this body as the member from Allegheny, should introduce here the threadbare topics of party, and the oft-enufuted assertions of the exertion of administration influence of the State elections. Why was it necessary to bring the topic of government patronage, and other questions of that sort, here? He was a party man, on party questions; but here, he had no party views to carry out, no party feelings to gratify. But he denied that the officers of the General Government in Philadelphia, to whom the gentleman alluded, exerted a very great influence on elections. It was not surely so great as that of the State officers.

Mr. FORWARD said, he had in his remarks expressly disclaim-ed, and more than once disclaimed, all reference to party. He had said that whatever party prevailed, the same would be the result. He repeated that whatever party had the ascendency, the influence and patronage of the administration would be felt to the same extent. He would go, he said, as far as the gentleman, or any one, to limit the patronage of the State government. It was for that object, in part, that he came here.

Mr. HOPKINSON said, he had so much respect for the im-immovable argument of the gentleman from Allegheny, against the proposition to hold the state election on the same day with the Electoral election, that he should not add one word to it. He would, however, say a word or two in opposition to the proposition to hold the polls open for two days. It was highly important that the people should have implicit confidence in their elections; and that those elections should not only be pure, but free from the suspicion of impropriety. At present, the polls in Philadelphia closed at about 19 o’clock. The votes were then counted, and the proxies sealed up, and the returns signed in the presence of men of both parties, before the officers of the election separated. If the polls were kept open two days, he asked who would have the custody of the votes given on the first day. The polls would close at certain hours, after which the officers of the election would go abroad, and talk of the number of votes polled on this side or that, and the boxes would be at the mercy of the crafty and corrupt. In a neighboring state, where the polls were kept open two days, there had never been an election, without an insinuation from one side or the other, of corruption or fraud in counting the votes. The election, he thought, could just as well be closed in one day as in a week.

Mr. FLEMING, of Lycoming, mentioned that he should move to strike out the word Philadelphia in this clause, unless Lycoming was also inserted, as that was one of the largest counties in the State. He objected to the amendment, that it went into the Legislative department, and gave that body the power to fix the day; but, if we left it to the Legislature to fix the day, the other part of the clause would have no binding effect; and, if it was to have no effect, where was the use of making the provision? As to the two days, he was, at first, favorable to that part of the clause; but, on reflection, he thought it would be better to confine the election to one day; though, in his district, the people had, some of them, to come fifteen miles to the polls, and over very bad roads. He should move to amend the amendment so as to provide that the election should take place in the several cities and counties on the first Tuesday in November. This would fix upon a certain day, and leave it to the Legislature to fix the same day for the Presidential election, if they think proper. The first Tuesday would be within the thirty-four days, as prescribed by the act of Congress. As to the effect on the elections of choosing State offices and the electoral ticket on the same day, he was not prepared to say that it would be so great as to subject the whole mass of the people of the State to government influence. He had too much confidence in the people, to believe that they could be humbugged and gulled, by any party that came into power. He did not believe that the influence of the Post Masters and other officers of the government in this State, was so great as the gentleman imagined; or that the Presidential election created so much feeling as he supposed. He referred, as an illustration of his views, to the fact, that last fall, the number of votes polled at the October election, was much greater than that at the election in November. This proved that there was not so much interest felt in the election of President, as that of the State officers.

Mr. CHANDLER, of the city, said:—I rise, sir, to say but little to the question; as it had been discussed before the committee—but as delegates have mentioned the probable effect of alterations in the time of holding elections in their respective districts, I deem it proper, mingling as I do almost professionally in every canvass—to remark that any day mentioned in either of the resolutions or amendments upon your table, would be perhaps acceptable to the people of the city of Philadelphia; but I cannot believe that they would willingly consent to an alteration that would, for two successive days, keep open the polls for our elections. In less than half an
hour, any voter in good health and sound limbs may walk from his residence to the polls—and there has never been, as far as I know, an instance in which the judges and inspectors of the election could not receive and record every vote presented to them. One day, therefore, I believe will be found sufficient for the purposes of any election, nor need the polls be kept open later than nine or ten o'clock in the evening.

Other reasons for limiting the term to a single day, have been powerfully and I doubt not satisfactorily urged by my respected and honourable colleague (Judge Hopkinson,) whose arguments need not enforcement from any person.

But, sir, the resolution before you, contemplates such an alteration in the time of the state elections as shall unite them with that of the elections for President and vice-President of the United States with out advertising to the facts that the legislature of the state may, at times, find it for the promotion of the general good, to choose their electors themselves. I, however, concur with the arguments of the highly respectable gentleman from Allegheny, that it is of the greatest importance to separate our state elections from the influences of the general government, always seen and felt at the choice of the Presidential electors.

The gentleman from the county, (Mr. McCahe,) whom I do not now see in his place, and I always miss him when he is absent, has declared that the officers of the general government exercise no influence on the voters in this State. Sir, I am glad to hear this from so high a source—especially when I know that gentleman, himself an efficient government officer, is known to employ his time and eloquence in the canvass to promote the success of his party. I say, sir, that knowing his zeal and exertions, I am glad, as well as astonished, to hear him say he exercises no influence upon the election.

But, sir, the general government does operate upon the Presidential election in every State in the Union, and it does it intentionally, and in some cases avowedly. Else why does the administration distribute its patronage of various kinds only to those who have distinguished themselves by party exertions in the canvass and at the polls?

It is urged, sir, that the State patronage may be, and often is brought to bear upon the election. I pretend not to deny it, though I cannot, from experience, assert it. It was at least never exercised through me; but if it is, the State government is only interfering in its domestic concerns, as seeking to promote its municipal good. The administration of the general government, whether right or wrong, seeks to perpetuate itself by a similar interference with the electoral election, and as we cannot prevent that interference, we ought to separate the elections, so that the deleterious effects of the operation may be limited to the election upon which it is intended to bear, and not, as would be the case if the proposed amendment should be adopted—to effect the choice of Federal officers and corporation officers voted for at the time. It is an effect perhaps not desired by the national administration, but resulting necessarily from the prevailing influence of the President over the choice of lower or more ephemeral offices.

The gentleman from Lycoming argues that the officers of the general government can not exercise the dangerous influence impinged upon them, because, as he says, there were more votes polled at the state election in October, than at the electoral election in November. The argument, sir, if based upon correct data, might be easily combated, but unfortunately for the gentleman, the facts are against him, the electors having received a greater number of votes than were polled for the State legislature.

The mingling of the State election with that of the President of the United States, may be productive of another evil by withdrawing public functionaries from the action of the people's censure at the ballot box. The voters of the State may have to administer their admonition to offending legislators, who will escape their punishment in the higher interest felt for the more important ticket for national officers, and thus the influence of government officers may not only lead to the election of a President opposed to the interests of the people, but shield State functionaries from the operation of justly executed resentment.

Mr. Brown, of the county of Philadelphia, said he had no particular preference for any one of the days mentioned above another. His immediate constituents had been so often legislated out of their days of election, that they would accommodate themselves to any day. They did not complain of the present, nor could they, he believed, of any that might be agreed upon as best accommodating the other portions of the state. There was one feature of the amendment, however, which he objected to, and that was in requiring the polls to be closed at 6 o'clock. Many of his constituents were engaged in their daily pursuits until that hour, and if the amendment was agreed to, it would cause them to lose more time than was necessary to go to the election, or be deprived of their vote. As it would be of no benefit to the people of any other portion of the state, and would be injurious to his constituents, he hoped this part of the amendment would not be agreed to. Mr. Brown said he had risen more particularly for the purpose of noticing the remarks of the gentleman from the city, (Mr. Chandler,) who seemed to fear the influence of the officers of the general government. Should the general and state elections be held the same day he (Mr. Brown) neither feared, desired, nor opposed such connexion. He had too high an opinion of the intelligence, discernment, and integrity of the people, to suppose that they would be influenced by the officer of any government, whether of the United States, of the state, or of the city of Philadelphia. But if any such influence was exercised or felt, he thought that exercised by the corporation of the city of Philadelphia itself independently of its trusts, so far as the numbers dependent upon it or the money dispensed were concerned, was more than that of the United States in all the state of Pennsylvania. If the gentleman from the city was really desirous of keeping out all external influence from the state elections, he ought to look to this immense corporation influence, of which that gentleman (Mr. Chandler) was a part, and which he knew to be great and powerful. Much (said Mr. B.) had been said about the custom-house and Post-office in Philadelphia. He knew something of both these establishments, and he believed there were several persons in the former opposed to the administration; all performed their duty well, so far as he knew; but if they had any influence in elections at all, he was free to say he had never seen or felt it. But its supposed influence had been used by the opposition as an argument,
and perhaps not without effect, against the party who sustained the administration. No one knows better than the gentleman from the city the impartiality and efficiency of the post-office—he could not suppose, however, that any of its officers have officially done wrong. So far as his colleague, who held a situation in that office, was concerned, he was surprised to hear the gentleman from the city allude to him, when no one knew better than that gentleman his industry and fidelity, they had won him the approbation of all parties. His colleague had always been an active partisan politician; he was still so, but not more so since he held office than he had always been before. Mr. B. did not suppose, however, that any man forfeited his rights and privileges as a citizen when he took office. If he performed its duties faithfully, he ought to be left free to the full enjoyment of his rights, it was only when he prostituted his office to party purposes that he was to be condemned. He (Mr. B.) never had held office any where, and he believed much of the alarm about official influence, had less of truth in it, than it was designed for political effect—he was surprised that any gentleman should have deemed it necessary to allude to it here.

Mr. KONIGMACHER said—Mr. Chairman: It was my intention, until recently, not to have troubled the committee with any remarks. I had supposed that long before we assembled in this Hall, the opinion of every member of this Convention, would have been unchangeably fixed, as to the course he would pursue.

I have listened attentively to every speech that was delivered from the time we first met to the present day, and can only say, that I was not mistaken. I have come to this conclusion, after weighing the various arguments, that, judging from the political complexion of this Convention, it is composed of three parties, to wit: conservatives, moderate reformers, and radical reformers. I am not right sure of the term of the last class mentioned is as appropriate as that of deformer: be that as it may, there has been enough said as to the power and the qualities of this body. I presume that we are all convinced on that point.

I sincerely hope, that we will now get to work in earnest. We have been in session four weeks, and what have we done? We have adopted our rules; passed three sections in committee of the whole; and are now discussing the fourth.

Mr. Chairman: At this stage of our proceedings, and as I intend for the first time to vote for an amendment to this "matchless instrument" under which we have lived so prosperous and happy for nearly half a century, I deem it proper for myself, and for my constituents, to state my reasons briefly for so doing.

Sir, if I know their sentiments, they never did believe that any amendments we can propose to them, will be worth the expense which will be incurred in holding a Convention; at the same time, they, as well as myself, do believe, that some amendments might be made for the better; but those alterations must be few and simple. I am backed in this opinion by a majority of six thousand votes given against the call of a Convention in the county which I have the honor to part to represent.
CONVENTION PROCEEDINGS.

(Continued from Thursday.)

The fourth Tuesday, as proposed in the report of the committee, but he would not consent to connect the federal and state elections by fixing the same day for both. He was also opposed to keeping open the polls for two days. He had an object in regard to the morals of the country. With many persons, an election was a time for frolic, idleness, and vice. A certain portion of the community, in almost every part of the State, made this a season for indulgence in dissipation. He was unwilling, therefore, to set apart two successive days, in which those persons would be tempted to expend their time and money at the expense of their morals.

Another objection that he had to the amendment, was, that it belonged to Congress to fix the time for the electoral election; and it was not expedient to appoint the day by a permanent constitutional provision. Congress allowed the State Legislatures to fix the time within certain limits, but frequent propositions had been made in Congress, to provide a uniform mode and time of electing President and Vice President in all the States. Should that power be ultimately exercised by Congress, the clause would be of no avail.

Mr. STEVENS said, that after listening to the argument this morning, he had become convinced that the amendment which he had offered ought not to be adopted, and he should, therefore, withdraw it. The considerations presented, in respect to the influence of the national administration, appeared to him to be entitled to great weight. He remarked, in reference to the opinion expressed by the gentleman from the county of Philadelphia, (Mr. McCAHEN,) that the government officers exerted little influence at the elections, that the gentleman had not been so sensitive on the subject, nor have taken the range of government influence so immediately to himself. Every one knew, he said, that all government officers have an eye to their daily bread; and that, according to the Scriptures, the creature was dependent on the creature. Another consideration would induce him to withdraw the motion: there was a party of sixty-six here, who were opposed to acting on party grounds, but had held a caucus this evening and fixed upon a day for holding the election, and he witting that the gentlemen who were so much opposed to party organization, should have an opportunity to carry out their views.

Mr. DENNY said, if the day for holding the general election is to be placed beyond the month of October, he was in favor of having it in the same day with the election of electors, otherwise the two elections would come too near to each other. This would also be, perhaps, inconvenient to the people, and they might not take the same
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interest in the electoral election that they would, were the elections to be more distant from each other, or on the same day. There had been occasions where much indifference seemed to prevail with regard to the election of electors, which was one of the most important in the country.

With regard to the influence of the patronage of the general government, exerted at our elections for State officers, it would be impossible to avoid it under existing circumstances. The long arm of the general government has been and will be extended to interfere in our State affairs, and with our State policy, through the agency of its numerous officers and dependents connected with the custom house, the post office, and the "by authority" printing establishments. This influence, which has diffused itself throughout the community, will be exerted at our elections; that it has been every one knows: we see it every day: we feel it. In some places the federal officers get possession of the newspaper press, and it becomes their organ, and is devoted, almost entirely, to the interests and designs of the great central power at Washington City, instead of to the promotion of the true interests and independence of the State.

Sir, this evil is very great, is daily increasing, and ought to be diminished: it is one, alarming in its character, and unless checked, may endanger the true liberties of the people, and bring us wholly under the control of the general government. To prevent this, no other remedy could be devised, he would be almost willing to go so far as to say that these federal officers should not exercise the right which we now allow to them of voting at our elections for state officers. This would be rather too severe a remedy; but he would adopt any other, that would be efficient to protect us in the free enjoyment of our rights, and in the pursuit of our own state interests and policy, from the control and influence of a powerful general government, wielding an extensive patronage in the State. The influence of this patronage is felt more strongly in the cities and large towns than in the country, and perhaps the best mode of combating it is to resort to some means by which the great mass of the voters in the country may be induced to attend at the elections. The yeomanry of the country are not reached by this general government; it is not so with those who are immediately exposed to it, many of whom may act under it without being conscious of it. It might, therefore, be salutary to bring both elections on the same day.

Mr. MANN said—Mr. Chairman: I do not rise to make a speech; for I am so worn down with the speech mania, that I can scarcely speak good humouredly on the subject—but I rise to make a suggestion to my friend from Allegheny, (Mr. Denny,) who complains so loudly of the office-holders, and says "he feels the influence very sensibly, and thinks it would be a good thing to disfranchise them, to destroy their influence." Now, I presume the reason the gentleman feels so very sensitive on this subject is, because he happens to be in the minority in the general government. I would suggest to the gentleman the propriety of disfranchising the whole Democratic party. This would precisely meet his views, if I understand him, and fully carry out his principle, which he seems to have started on. If, however, he does not choose to accept it, I shall not press it. But as to the subject before the committee, I am utterly astonished to hear fifty speeches on a question that involves neither principle nor much interest. I cannot conceive, that the change of the day four weeks later for holding our general elections, to suit the agricultural part of the community, can convulse the whole Commonwealth. I only desire that we shall be permitted to vote: Sir, the thinking men have long since been prepared to vote, and we only desire an opportunity, which I hope the good sense of this committee will permit us to do.

Mr. SERGEANT remarked, that he had felt little interest in the question until to-day, when the debate had taken a turn involving important principles. It was now a proposition to fix the election for State officers and for President and Vice President of the United States on the same day, and thus blend them into one. The gentleman from Allegheny (Mr. Forward) had shown that it was a dangerous experiment, and that so far as principle was involved, he had settled the question. He said that he should not have arisen, but for the purpose of correcting what had fallen from a gentleman from the county of Philadelphia. He understood him to say, that the general government could exercise no undue influence, in case both elections were held on the same day, because the influence of the general government would more than be over-balanced by the State government. If the State administration was opposed to the general administration, and the influence of both was the same, the statement of the gentleman might be true. But does he not know, that the powers of the two governments are greatly unequal? The government of the United States is the supreme government, extending its arms over all the States, and reaching every village in the Union. But suppose the administrations of the two governments are in the hands of the same party, then the influence of both the State and general governments will be exerted to control the elections—and where is the balance then? But it was in contemplation to take away from the State government its patronage. What balance would there then be to the influence of the general government? From this it might be seen, that there might be no accumulative influence sufficient to check the interference of national politics on State elections, should they be blended together.

But that which had chiefly drawn him up, was a remark, that the argument against the interference of officers of the national government with the State politics, applied equally to a judge of the supreme court of the United States, who was a member of this Convention, as to any officer who held his place at the pleasure of the general government. The judge to whom the gentleman refers, the most independent man in this Convention. He can go upon the bench and dispense justice, and then come down among the people. He held his office during, not the pleasure of the government, but its own. But an officer of the Custom House, or the Post Office, any other office, who holds his place during the will of the
Mr. McCAHEN said, he would not again have trespassed upon the committee, had not the President of the Convention addressed some questions to him which he would endeavor to answer, without following the gentleman through his very learned speech; but thanking him most sincerely for the instruction which he had kindly offered, and acknowledging the ability of the preceptor, he would strive to improve with the gentleman's advice. He confessed he had been rude when he compared the position of the venerable judge, who is a member of this Convention, with the humble, yet relative position he (Mr. Mc'Chen) occupied as an officer of the General Government; but it was an error of education. If the people of this country were slaves, and destitute of the attributes which belong to freemen, he might then admit, that the "officers of this Government ought to be deprived of the right to vote." He might have gone a little further, and his object would have been as well attained—cause them to be put to death. You should not let these despoils occupy a place upon earth, and be permitted to run at large in the face of day, corrupting and destroying all whom they touch.

Mr. Chairman, said (Mr. Mc'Chen,) it is not remarkable that gentlemen who claim so much wisdom, should entertain so poor an opinion of themselves and the public, as to believe, that the officers of the General Government could divert them from the path of duty! Why do they confess themselves liable to these dangerous influences? Are the persons selected to fill public offices a band of buccaneers? Or rather, are they selected because of their general good character and competence to discharge the important duties assigned them? They are; and most generally supported by the strongest recommendation—the recorded votes of their neighbors and fellow-citizens. They are as much freemen as those who assail them. They are good and upright citizens, performing all the duties of citizens and officers, with the most scrupulous fidelity. And I trust that a proper spirit of indignation will breathe from them when they
Mr. COX, of Somerset, said he should go for the amendment, be inconvenient—and the fourth Tuesday of October should not be held, stronger than life—the secret right of suffrage. What said he, is the spirit of '76 extinct? We are so far degenerated as to forget the fathers and their noble resistance to slavery in the times of peril in that history of our country during the glorious revolution? He hoped not; he believed that holding the state and national elections on the same day would check—if not paralyze—that influence which was now powerfully exerted in the preparatory steps of the election. The arguments of the gentleman from Allegheny were plausible at first view, but would not bear examination. Did not every gentleman know, that those interested in national politics did not remain idle until the day of the election? Was it not well known, that the Presidential battle in November, commenced at the outset in October? That the first skirmish was at the election for inspectors, and the decisive engagement was fought in October? The Presidential election was then decided, and so universally was this believed, that the party that was defeated at the state election in October, did not attend the Presidential election in November. Was not this a powerful incitement for the exertion of Federal influence on the state elections? So well was this understood, that the Federal officers were always on the ground at the October elections, and if they carried the trifling election of inspectors, extra papers were sent, not only all over the state to influence the coming election, but into other states, to make the impression there, that it was useless to oppose their candidate for the Presidency, because so great a state as Pennsylvania had already decided for him. Besides, Federal influence was brought to bear upon the people, when they unsuspectingly did not look for it—and when foreign questions and false issues were made to decide the Presidential election.

In this way, the vote of Pennsylvania might be given to a man for the highest office in the Union, when the popular voice was against him. Were not these facts, for they were undeniable, a complete answer to the arguments of the gentleman from Allegheny, and the others who took the same side. If we wish to prevent a successful interference by the Federal government, in the elections of the State, we should put the elections on the same day. We then can meet this influence. If the interference takes place on the same day, it will be so apparent to the people who will be on the election ground, that they will tell the drilled soldier fighting for pay, whether enlisted under the State or National banner, that they can manage their own concerns. This was not a party question, for it made no difference which party was in the ascendency, the evil of National interference in State politics was the same, whether it came from on party or the other.

He was opposed to fixing the day on the third Tuesday of October, because it would make two elections but a few days apart which would be inconvenient—and the fourth Tuesday of October would increase the evil. If there was a change in the day, it clearly ought to be on the day of the Presidential election. We could never bring out the people on a presidential election—we could never give a true presidential vote until we made one day of elections.

Mr. FULLER, of Fayette, was in favor of the proposition no before the committee, and if it should not be adopted he should vote to fix the day on the third or fourth week in October. He acknowledged, that if the objections of the gentleman from Allegheny were sound, the State election should not be held on the same day with...
Mr. DENNY observed, that the gentleman from the county of Philadelphia seemed somewhat sensitive under the remarks which he 
(Mr. D.) had made relative to the influence exerted at our State election, by the general government, through its numerous office-holders and "by authority printers." Mr. D. did not intend to be personal; nor did he mean, by what he had said, to suggest any remedy for the evil of which he complained. He knew office-holders who were correct and honorable men; who would not use the influence of their official station to control our State elections. He would not interfere with the proper exercise of their rights as freemen. But there are other officers who act differently, and use every effort and every influence at our elections to bring the State into subserviency to their views and wishes of the general government. These office-holders sometimes possess no feeling or interest in common with the rest of the community; their interests may be different, they look to another power for support; they depend for their livelihood upon another government, which may have arrayed itself against the State administration, State policy, and against the interests and institutions of our State. These persons may generally be expected to favor the government from which they derive their subsistence; the whole influence of their official station and character will be brought to operate against the State, and the interests of the people, in order to promote the designs of the central government. 'Tis this of which we complain, and against which we would contend. 'Tis this foreign influence which tends to prostrate the independence of the States, and bring about in effect a consolidation of the government.

In common with many others, Mr. D. said he was extremely jealous of all foreign interference with our State concerns; and rather than submit to have the rights and interests of the people controlled by any foreign influence diffused throughout the State, it might possibly become expedient, in the last resort, if no other remedy could be found, to save us from an influence dangerous to our liberties, for the people to exclude these agents of another government, somewhat foreign to our State government, from the exercise of some of the privileges they now have. They are already prohibited holding offices in this State, even down to the humble places of constable, and clerk at an election.

With regard to the remark which fell from the gentleman from Montgomery, Mr. Denny said the sound democracy of the country were proof against the influence of the office-holders, the patronage and power of the general government. The true democracy of the State resist and repel with indignation any interference by officers of another government.

Mr. WOODWARD, of Luzerne, opposed the amendment. He said that it had been shown that a large portion of the State would experience great inconvenience in consequence of that being the time when the courts were held in certain counties. Was there, then, such a necessity for changing the day, when the people had not complained, that a large portion of the State should be put to inconvenience? One reason why there should be no change was, that although several gentlemen desired it, yet no day could be fixed that would suit every section of the State as well as the present. The people have asked no change in this part of the Constitution. The second
Tuesday of October has come down to us from Revolutionary times, and was regarded by the people as a day devoted to the country. When those parts of the Constitution which the people desired to have amended came up, he would go for reform.

Mr. DUNLOP, of Franklin, asked if it was not a desirable object to have both elections on the same day? It would prevent a frequency in elections, and diminish that bitterness of feeling which was engendered during the heat of canvass, and which estranged friends, and sometimes separated them forever. If one day will answer for the State and national elections, why have two? Will any one doubt that one will not answer a better purpose? Supposing we were now to make a new Constitution, would it not strike every one that it would be unwise to have two elections within four or five weeks of each other? The expense was a consideration that ought not to be lost sight of. The expense of judges, inspectors, and clerks could not be less than ten dollars for each election district; and there being about an average of twenty election districts in each county, which, multiplied by fifty-four, would make ten thousand eight hundred dollars. What was the use of throwing away this money? Perhaps some might say that our citizens get the money: but they could get it at other business. Besides, there was an expense in the loss of time, when 160,000 voters left their business, and not only so, but were at the same time subjected to expense. It was a reasonable calculation to say, that the time and money expended was at least $160,000; so that in time and money expended, there was a dead loss to the Commonwealth of at least $170,000 or $175,000 for an extra election! And what good comes out of it? One gentleman says that it will interfere with the courts? And does not the Presidential election interfere with the courts? And will putting the State election on the same day create a greater interference? But the farmers, the thriving and industrious farmers, do not often attend courts. It is the professional man, who could vote notwithstanding. It ought to be the object to select the most convenient time. And was not the fore part of November a convenient time among the farmers? Some gentlemen have objected to this time, in consequence of the weather. But is it not well known, that there is no time in the whole year so pleasant as in November? It was then that we have the Indian summer, so beautifully described by Washington Irving. It was well known to hunters as the most pleasant season of the year.

When the Constitution was framed, the grain was some two weeks earlier than at present. The seeding was later now in consequence of the depredations of the Hessian fly upon the early sown fields. Last year, most of the wheat was sown after the October election. The day ought to be changed, in order that the people may be at leisure, and that the whole vote may be brought out at the election. But, says the gentleman, the officers of the general government will interfere, if the State election and the Presidential election are held on the same day. Supposing they do, will they not interfere still, if the elections are separate? The gentleman from Fayette has shown that no interference can take place in consequence of having but one election. It is impossible to prevent men from exercising their influence at the elections, if they were interested in the result. But they will exert their influence in October as well as November. If, therefore, the first of November was a time of leisure among farmers—if the season of the year was as pleasant as in October—if no greater influence of the general government could be brought to bear on the State elections—and if it would be a saving of expense of at least $175,000, we ought to adopt the amendment.

Mr. EARLE said he was as much opposed as any one to the influence of the general government on the state elections, and also to the influence of the state government on the Presidential elections. But he believed that the influence would be less by making both on the same day. At the last election in Philadelphia county, the delegates to this Convention had eight hundred less majority, than the members of the Legislature in October, of the same party. This showed that the officers of the General Government had made in influence at the Presidential election. So in the city of New York. While the President, who was a native of the State, received a handsome majority in the city, a majority of the opposition ticket was elected.

The vote was then taken on the amendment of Mr. Purviance, when it was lost.

Mr. COX then moved to strike out the "fourth Monday in October," and insert the "first Thursday in November," which motion was lost.

Mr. JENKS then moved to strike out "Tuesday" and insert "Thursday," which motion was lost.

Mr. COX then moved to strike out the "second Tuesday in October," and insert "third Tuesday in September, and that the electors of President and Vice President of the United States, shall be elected on that day," which motion was lost.

Mr. STERIGERE said, he did not know that it was necessary to say one word to prevent the adoption of the amendment offered; it was a renewal of that offered by the gentleman from Adams, (Mr. Stevens,) and withdrawn by him. He would merely remark, that that part of it which provided when the Electors of President and Vice President of the United States should be elected, would be useless. The Constitution of the United States devolves the right of prescribing the manner in which the Electors shall be appointed on the Legislature of the State, and authorizes Congress to determine the time of choosing them. This cannot be fixed by any provision in a State Constitution. On this subject the acts of Congress and of the Legislature, would be the supreme law, and might be altered without any regard to the State Constitution. This part of the amendment would be perfectly nugatory, if adopted, and ought to be rejected.

Mr. COX modified his amendment, so as to omit that part relating to the election of Electors of President and Vice President.

Mr. CLARKE, of Indiana, suggested that the city of Pittsburgh be inserted. He said that when the old constitution was framed, the city of Philadelphia contained about the number of inhabitants that Pittsburgh now has: And when fifty years more should pass, Pittsburgh would contain as many inhabitants as Philadelphia now has.

The vote was then taken on that part of the report of the commit-
Mr. COPE presented a petition from sundry citizens of the Commonwealth, praying the introduction of a provision in the Constitution prohibiting the Legislature from authorizing any lotteries; referred to the committee on the ninth article, and ordered to be printed.

Mr. STEVENS offered the following resolution, which was read, and laid on the table.

Resolved. That this Convention will adjourn sine die, on the 7th day of July next.

Mr. CURRl obtained leave of absence for a few days from to-morrow.

Mr. HELFENSTIEN, Mr. DOWNING, and Mr. BROWN of Lancaster, obtained leave of absence for a few days.

First Article.

The Convention resolved itself into a committee of the whole, (Mr. Porter of Northampton in the chair,) and took up for consideration the reports from the committee on the first article.

The question being on that part of the report which recommends that no alteration be made in the third section of the first article, Mr. DUNLOP made a question as to the mode of proceeding. He wished, he said, to offer an amendment to the second section.

The Chairman was of opinion that, as the amendment of the standing committee to the second section of the report had been negatived, it would not again be open for amendment, until it came up on a second reading.

After some conversation on this subject, Mr. Read appealed from the decision of the chair.

The CHAIR stated that the decision appealed from was, that the amendment of the committee of the whole, as to the second section, was over; and that the section was no longer before the committee for amendment.

Mr. READ said, he found that he had spoken in the spirit of prophecy when he said a few days ago, that difficulties would continually present themselves in our progress, unless the reports were made in engrossed form. He still thought, that we had better retrace our steps, and recommit this report to the committee on the first article, with instructions to report it in engrossed form. The effect of the decision of the chair, would be to preclude members from sustaining their views with regard to the provisions of the several sections; for, if the amendment reported by the standing committee was rejected, members of the Convention who were not on that committee, could not offer their own propositions for any amendment of that section. He hoped some one would move that the report be recommitted, though he should not renew that motion himself.

Mr. DENNY expressed the opinion, that it would be competent at any time, for a member to move to amend any one of the sections of the article under consideration, even after that section had been passed over. In this respect, he said it would resemble the proceedings in a legislative body on the sections of a bill.

Mr. STEVENS supported the opinion of the chair.

Mr. COX, as the better way to get out of the difficulty, moved to reconsider the vote of yesterday, negativing so much of the report of the committee as relates to the second section.

Mr. READ then withdrew the appeal.

The motion to reconsider was agreed to, 59 to 41.

The following portion of the report of the committee being then under consideration:

Amendment to the 2d section of said article as follows:

Section 1. The representatives shall be chosen annually by the citizens of the city of Philadelphia, and of each county respectively, on the first Tuesday of October.

Mr. DUNLOP moved to amend the report so as to provide that the elections shall be held biennially instead of "annually," and on the second Tuesday of October; and by providing also that the Legislature shall meet every other year on the first Tuesday of December, unless otherwise assembled by the Governor.

Mr. DUNLOP, moved to postpone the consideration of so much of the report as relates to the second section, for the present: negatived.

The question having been divided, the first question was on inserting the word "biennially."

Mr. DUNLOP expressed his regret, that his motion to postpone had failed, as he was not, at this moment, prepared to give his views upon it, though he had given much attention to the subject. He, therefore, withdrew the motion for the present.

Mr. FLEMING moved to strike out "city of Philadelphia," and insert in lieu thereof, the words "the several cities and counties."

Mr. FLEMING explained the object of the motion.

Mr. STEVENS suggested, that the better way would be to defer that subject till the question of the distribution of the representation should come up. He should not, however, himself, go for giving every city a separate representation: if we did, cities would spring up like mushrooms.

Mr. FLEMING said, he had offered the proposition now, in order that he might not be ruled out of it by the rule-makers here. But confiding in the suggestion of the learned member from Adams, he would withdraw the motion.

Mr. DUNLOP moved to amend the article, by striking out the word "annually," and inserting "biennially": lost.

Mr. HEISTER moved to insert the third Tuesday of September: lost.

Mr. MAGEE moved to amend by inserting the second Tuesday in November.

Mr. CURRl moved to amend the amendment, by substituting the first Wednesday: lost.

The motion of Mr. MAGEE was rejected.

Mr. CLARKE, of Indiana, said he was satisfied that a majority of the members were in favor of fixing a later day for the election. A fair compromise would, he thought, be the 3d Tuesday of November.
Mr. GAMBLE moved to reconsider the vote rejecting the motion to insert the 3d Tuesday in November.

Mr. CHANDLER, of the city, was satisfied, said, that the majority who voted yesterday felt very little interest in the subject. He suggested to the gentleman from Indiana, that it would be better to defer the question till those gentlemen who represented the farming interest had conferred together upon the subject, and fixed upon some day for the election, in reference to their convenience.

Mr. WOODWARD concurred with the gentleman last up in his suggestion. If we went on in this way, taking a vote one day and reconsidering it the next, he did not know at what time the Convention would be able to accomplish their work. The gentleman from Adams would be obliged to put a more distant day in his resolution for adjournment.

Mr. MANN urged the Convention to take a vote on this subject without debating it. He had no doubt, he said, that the sense of the majority was in favor of a later day.

Mr. DARLINGTON said, that several days were likely to be consumed in this debate. Gentlemen need not imagine that this question would be voted on without debate. If in order, he would move to postpone the whole subject.

The CHAIR said the motion was not in order.

Mr. BELL said, much consideration and conversation had been had among the representatives of the farming interest on this subject, since yesterday, and something like a compromise had been arrived at.

Mr. STERIGER said it was a singular opinion that the question ought to be postponed, after it was understood that a majority was in favor of fixing the third Tuesday. He thought it important to send out this decision to the people, in order that we might ascertain whether it met their approbation. He would go for any change that the farming interest agreed upon.

Mr. REED said the seasons had so much changed that what was a convenient day in 1790 for the farmers, was very inconvenient now. The northern part of the state was in 1790 a wilderness and for that reason, a still later day was wanted. He thought the proper day, in reference to the northern part of the state, would be the first Tuesday of November. He would not go for the third Tuesday of October, because it would be of no benefit to the northern counties.

Mr. CUMMINS said the continuance of this debate was idle and unnecessary. His opinion was that we had better postpone the further consideration of the question until it was ascertained whether any of the more important changes in the Constitution would be made or not: and he did not think there would be any thing done, judging from the past proceedings of the Convention. It was not worth while to spend any more time in debating here. The practice had been here for some member to offer an amendment, not entitled in the opinion of any man of common sense, to consideration, and it is debated for two days, and then withdrawn. Then another proposition of like merit was offered, and, after two days debate, was, in like manner, abandoned. He submitted whether this course of proceeding was very becoming in a grave body, assembled by the people of a great Commonwealth, to revise the Constitution. He did not wish any more time spent on this question, because he knew the lawyers, who monopolized the debate, were opposed to it, because it would interfere with their court days, here and there. Every change that would be advocated by them would be for their own benefit and accommodation. This was the reason why they continued to make speeches against all the motions to change the day of holding the election. Were not the farmers, he asked, the stay and strength of the land? Were they not the main support of all classes, both learned and unlearned? And yet they were refused the only amendment that was offered with a view to their convenience. His opinion, said Mr. Cummins, is, that we cannot alter or revise the Constitution. Here, he said, are fifty-one farmers and but forty-one lawyers. The lawyers had all the debate to themselves; for the farmers from want of education and practice in speaking, seldom addressed the Convention; but they well knew what they wanted. He hoped the debaters would soon drop this subject.

Mr. SHELLITO rose, he said, not to speak—for of that he was incapable—but to address a word to his brother brethren. He wished to tell them that he was one of the number who went into the northern part of the State when it was a wilderness, and colder by a degree and a half than the southern counties. The farmers in that section are industrious and intelligent, and, in every respect, valuable citizens. The day of election was fixed by the present Constitution before that country was settled. He wanted to know if now, in altering the Constitution, his southern brethren would not consult the convenience of his constituents in this small matter. To make the day a little later would be of no disadvantage to the southern part of the State. It would not injure a single man in the State. He would put up with the third Tuesday, though it was not late enough by a week; but, when we come back, if it was found that the people did not approve the change, he would agree to change back again to the 2d Tuesday.

After some conversation between Mr. Sergeant and the Chairman as to the state of the question,

Mr. READ withdrew his opposition to the motion for reconsideration.

Mr. STEVENS advocated the motion to reconsider, and the proposition to change the day of election to the third Tuesday. He recommended it to some gentlemen reformers who had opposed this measure, to make a change now and then, by way of keeping their hand in, otherwise they might get out of the habit.

Mr. CURLL said his brother farmers who had just now so ably addressed the committee, were somewhat unkind, he thought, in their remarks upon their legal friends, who had, on so many occasions advocated our interests. He was as much opposed to unnecessary changes as any member of this body, and he only wished to make such as were of substantial advantage to the people of the state,
CONVENTION PROCEEDINGS.

(Continued from Friday.)

He hoped that the committee would never give their consent to the proposed change, and if the people generally should not approve it, when we came back here, we would put it back to the second Tuesday in October.

Mr. BONHAM said the change to the third Monday would be but of little benefit to the farmers, as last year they did not finish their seeding till after that time. He was in favor, however, of any day in preference to the present time, which, in his neighborhood, was very inconvenient. He thought we might as well go into the question now as at any time.

Mr. EARLE made some suggestion as to the course of proceeding.

The CHAIR stated that the remarks were out of order.

Mr. EARLE went on to show that we could attain the same objects without a reconsideration, as with a reconsideration.

Mr. JENKS said, that he hoped the committee would reconsider the vote of yesterday, negativing the amendment reported by the standing committee. Facilities ought to be afforded to every qualified citizen to exercise the elective franchise. And if the day named in the present Constitution is not so well adapted to the convenience of the agricultural community, as the one contemplated in the amendment which will be proposed, should the motion to reconsider succeed, that amendment ought to prevail, inasmuch as it will not subject any portion of our citizens to inconvenience. The most important interest in a republican community is the agricultural. On agriculture is based the prosperity of the country—and to agricultualists may we confidently look for whatever corrections may be needed in the administration of the government. It is an avocation which invites to reflection, and sober and considerate action. The day named in the present Constitution was adapted to the convenience of the farmer at that time. The Constitution was framed prior to the appearance of the Hessian fly. The period of seeding was the latter end of August and beginning of September, and always finished sometime before the election. But to avoid the ravages of the fly, a little experience soon taught the farmer that he must change his time of seeding to a period so late as that the autumn frosts would cripple the fly, and prevent a deposit of the egg in the young wheat in the fall of the year. I would prefer a period still later than that contemplated. Our seasons are changed—our climate is milder. This is the general and certain result of the clearing of our forests, and the improved cultivation of the land. The Roman poet tells us, that he had often witnessed the sports of the Roman youth upon the ice of the Tiber. From the destruction of the German forest, the climate of Italy is so much milder, we are told, that the Tiber is now never frozen. A like result may be expected here from the same causes. I would prefer then a later day for the election—a period when the farmer is more at leisure—and while the weather is pleasant and mild—inviting the aged and enfeebled to the discharge of this important duty. I would extend it into November—when the American Indian summer, so much admired by foreigners, gives earnest of mild and pleasant weather.

The question being taken, the motion to strike out the second Tuesday and insert the third, was agreed to.

Mr. READ moved to strike out the third Tuesday of October, and insert the first Tuesday of November, which motion the Chair pronounced to be out of order.

The report of the committee on the second section, as amended, was agreed to.

The committee then proceeded to consider so much of the report of the committee as relates to the third section of the first article, which declares that it is inexpedient to make any alteration in the third section, which section is as follows:

"3. No person shall be a representative who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the State three years next preceding the election, and the last year thereof an inhabitant of the city or county in which he shall be chosen, unless he shall have been absent on the public business of the United States or of this State. No person residing within any city, town, or borough, which shall be entitled to a separate representation, shall be elected a member for any county; nor shall any person residing without the limits of any such city, town, or borough, be elected a member thereof."

Mr. CLARKE, of Indiana, moved to strike out twenty-one as the age of candidates, for the purpose of leaving it blank. Any member could then, he said, if he thought proper, move to fill the blank with any other number. For his own part, he intended, before he sat down, or at some other time, to move to fill the blank with twenty-eight. He was in favor of extending the right of suffrage as broad as the population of the country; and he wanted to see all property and tax qualifications taken out of the Constitution. He wanted to see the time when every citizen of the Commonwealth should be entitled to a vote: but, while he thus gave a broader basis for our representa-
tion, he wished to render the government a little more patriarchal. He had no objection to receiving into many branches of the public service men of twenty-one years of age; they were undoubtedly capable of serving in those capacities which require energy and obedience to the laws; but the framing and judging of laws should be left to men of more mature years. Men of twenty-one he considered as much too young to make laws for such a commonwealth as this. There was no hardship in the proposition, as other legislative walks would be left open to them. However well educated and gifted these young men might be, they necessarily lacked that judgment and prudence which was necessary in legislation. He had often known very smart young men in the Legislature, who had less skill in making laws than in tying a cravat, or curling a pair of whiskers; they had no experience enough to see the bearing of those alterations which they were engaged in making. As he wished an opportunity to put on record his views on this subject, he would move to fill the blank, it "twenty-one" should be stricken out, with twenty-eight: any other gentleman, in the mean time, could propose any other number between that and twenty-one.

Mr. CURLI moved to fill the blank with twenty-five. He was a great friend, he said, to bringing to the notice of the country young men of talent and promise, and had often seen young men of nineteen, who were brighter then men of forty.

The CHAIR stated that the question would be first on striking out.

Mr. BANKS. Then, sir, I go against striking out, knowing the represent them. Why was a man put in possession of his property before he offered it; he would like to know the grounds of the gentleman in Schuylkill, because he thought we had many men of forty or more. You have, no doubt, Mr. Chairman, heard the anecdote of the justly celebrated John Randolph, who, when he was about to take his seat in Congress, was asked by the Speaker of the House when he came up to be qualified, whether he was of constitutional age? "Ask my constituents, sir, who sent me here," was the indignant reply. If, sir, the people see fit to elect a man of only twenty-one years, it is a sufficient proof of his capacity for the station, and certainly we find no reason to object to it. Young men ought to be encouraged to come up and take a part in the public concerns of the country. In my county, and I presume too, in the gentleman's county, the young men from eighteen to twenty-five were among the most active and efficient politicians. The same is probably the case in other counties, and I have no doubt that, in general, men of this age are more relied upon at elections than any other.

Mr. PURVIANCE rose, he said, to suggest an amendment to the amendment: but before he offered it, he would like to know the age of the gentleman from Indiana, (Mr. Clarke.) He moved to amend the gentleman's amendment by providing, that no person should be eligible as a representative after forty-five—or whatever was the gentleman's age. If he and his friend near him, the gentleman from Philadelphia county, (Mr. Butler,) were to be excluded from the service of their country in the Legislature, he wished also to provide for the exclusion of the gentleman from Indiana. He was very glad that the gentleman was not a member of the Convention of 1790, which framed the present Constitution, as his weight and influence might have affected the adoption of such a provision as he had now offered, in which case, he and his friend near him would not have had the honor of a seat here.

Mr. DICKELY hoped, he said, that the gentleman from Butler Mr. PURVIANCE) would withdraw his proposition, and that the gentleman from Indiana also would withdraw his motion. He regretted that the gentleman from Indiana had thought proper to offer it. Age can no more give competence to an officer of the public, than property can qualify a man for voting; and a man of twenty-one may be as highly fitted for any duty as a man of greater age. A senator must be twenty-five years old, and the gentleman from Indiana should recollect that the senate was constituted for the very purpose of checking the popular branch, and of keeping a watch over those youthful legislators, if any such there were, whose experience and act lie principally in curling their moustaches and tying their cravats. It was a sufficient proof of the competence of the person elected, that his constituents thought him fit.

Mr. REIGART hoped, he said, that neither motion would prevail. The Constitution had been in operation for forty-seven years, and no practical inconvenience had resulted from this clause. Are not the people as well qualified as we are, to say who among them is fit to represent them? Why was a man put in possession of his property at twenty-one? Was he not supposed to be sufficiently matured in discretion to manage his own concerns? We had, in our history, the instance of one illustrious individual, (Col. Burr) who was ad-demp to Gen. Montgomery before he was nineteen. It was not un-commonly the case, that men at twenty-one were, in every respect, as competent for legislation as men of fifty-one. As the clause had been productive of no practical inconvenience, he hoped it would not be lightly changed.

Mr. PURVIANCE withdrew his amendment, and the vote being taken on the motion of Mr. Clarke, of Indiana, it was lost.

Mr. KREBS, of Schuylkill, moved to amend the section by striking out "three," and inserting "two," so that two years residence in the State be sufficient to make a freeman eligible to the office of member of the House of Representatives.

He stated that he made this motion in consequence of a case which happened in Franklin county, where a gentleman was chosen a Representative, but not having been in the State quite three years, he could not take his seat, and a new election was ordered.

Mr. EARP supported the motion, and was in favor of making the time even less.

Mr. DICKELY, of Beaver, said he should vote against the proposition of the gentleman from Schuylkill, because he thought we had Pennsylvanians enough to fill our offices. He thought the important office of Representative should not be filled by persons from other States, until, at least, they acquired a residence, and a knowledge of our institutions.

Mr. MARTIN remarked, that it sometimes happened that citizens of Pennsylvania left the State, and afterwards returned to it,
He thought that such persons, born and educated in the Commonwealth, ought not to be disfranchised.

At the suggestion of Mr. Stevens, Mr. Krebs accepted the following as a modification: "unless he shall have been previously a qualified voter in this State, when he shall be eligible by one year's residence."

Mr. EARLE thought, making the distinction between our citizens and the citizens of other States, a violation of the Constitution of the United States, which declared, that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." He was for breaking down this limitation, which he believed contrary to the Constitution.

Mr. FORWARD remarked, that the constitutional scruples of the gentleman from the county of Philadelphia, probably arose from not making the distinction between the meaning of the words "citizen," and "qualified voter." A minor, or female, was a citizen, but not a qualified voter. The mistake of the gentleman arose from not making the distinction. He thought that the amendment was satisfactory one, and he should vote for it.

Mr. CHAMBERS was acquainted with the case in Franklin county, which had been mentioned. A native citizen of that county, who had lived there forty years, moved over the line into Washington county, Md., where he resided one year, and then moved back again. The community hardly knew that he had been out of the county. He was taken up by his fellow citizens, and elected to the Legislature; but in consequence of finding that he was not eligible, not having resided quite three years in the state, since his return from Maryland, he did not take his seat, and the people of the county were obliged to hold another election. He thought that this amendment commended itself to our support, inasmuch as it gave the citizens a facility to regain their residence, when they had only removed th one of these United States. He could not agree that the citizens of other states should become eligible to office without gaining a residence for a reasonable time, that would be evidence of his intention to make it permanent; and he thought our year might be sufficient for that purpose.

Mr. HULL, of Chester, said, that any change in the Constitution was important. He was in favor of extending the right to hold office to every qualified voter who had lived long enough in the State to become identified in feeling and interest with the institutions of the Commonwealth. But he would not go as far as the gentleman from the county of Philadelphia, (Mr. Earle,) and require no residence as a qualification. It would not do to permit men from other States, without a knowledge of our laws, our habits, and customs—and without a permanent interest in the community, to hold the office of legislator. The gentleman has based his proposition upon democratic principles—it was well enough in theory, but would not do in practice. Mr. Bell then stated a case which happened in a neighboring State, where a stranger, by the sway of his manners, succeeded in getting placed on the list, and being elected to the Legislature, over an old and respectable citizen—but that it was found out afterwards, that he had been guilty of an infamous crime in the State he came from, and that, in consequence, he was obliged, by public opinion, to again abandon his country. This showed, that some time of residence was necessary to prevent the people from being imposed upon.

Mr. WOODWARD said, that if a new Constitution was now to be formed, he would vote for such a proposition most cordially. But he had before declared that he should vote for no other amendments, than those which had been distinctly asked for by the people. He did not think that this was asked for, and he should, therefore, vote against it. He hoped that an article would be adopted providing for future amendments, and this proposition, if the people desired it; and others would be made, by the Legislature, under instructions from the people at the ballot boxes.

The vote being taken, the amendment of Mr. Krebs was agreed to.

Mr. EARLE then moved to amend the section, by inserting that "no member of the Legislature shall be elected for more than three years out of four."

He requested gentlemen to do him the favor to have the ayes and nays taken on the question, and whenever they wished to have the ayes and nays, he would willingly sustain them in that object. He supported the proposition on the ground that long continuance in power tended to produce corruption and tyranny, and that motion preserved purity.

Mr. DUNLOP thought the amendment ought to be altered, so that members should be elected at least three years out of four. He thought that gentleman should be the last man to bring forward such a proposition. He himself was on the high road to preferment, and his amendment, if carried, might operate severely against him. Why, that gentleman is the great agitator—the father of this Convention.

That gentleman seems to be coming back to correct principles. He saw, by reference to the 14th number of the Daily Chronicle, a speech of that gentleman, which concluded with a plan for a national bank. It is true, there did not seem to be much connexion between this conclusion and the other part of his speech; yet the proposition for a national bank was there, as any gentleman could see. But he could not understand his proposition to restrict the people themselves. Was he afraid to trust them? The gentleman, it seemed, was in favor of log-rolling, and had proposed a bargain. He was opposed to log-rolling only when nothing was to be gained by it. The gentleman's patent democratic legislators, he knew, were accustomed to practice in such cases.

Mr. SHELLEY, of Crawford, was sorry to see any subject which any gentleman might think proper to bring before the Convention ridiculed; and he expressed himself in strong terms against the speech of the gentleman from Franklin.

Mr. CHANDLER, of Philadelphia, heartily concurred with the gentleman from Crawford, that this Convention was no place for mirth and levity. The gentleman from the county of Philadelphia had this morning advocated no restriction in age or any thing else, as requisites for a representative, on the principle of unrestricted freedom on the part of the people. We had voted that one might be elected to the legislature who had attained to the age of twenty-one years;
so that no one need tarry in the county of Philadelphia, the county of Allegheny, Jericho, or any where else, until his beard was grown. But the gentleman had now changed his position, and had introduced a proposition opposed to that principle of freedom, about which he has so often discoursed. Should this amendment become incorporated into the Constitution, it would be the right of the people to choose whom they please to represent them. It might have this effect—if he or I should happen to be overlooked by the people, and others should meet with the popular favor, they would be obliged to give way at the end of three years, and he and I would have another chance. But this would abridge the right of the people to choose whom they pleased, and he should vote against it. He concurred with the gentleman from Crawford, but while he agreed with him that subjects should not be treated lightly, members should be careful not to bring trifling subjects before the Convention. Mr. EARLE replied, that he was not in favor of restricting the people; but of submitting to them a rule for their adoption in the choice of their agents. He thought checks were necessary for the permanency of republican government, and alluded to the loss of liberty in the ancient republics as examples.

Mr. DUNLOP thought the remark of the gentleman from Philadelphia, that those who were witty were not wise—was not true. The great men were often the most wity.

Mr. CHANDLER replied that his remarks did not apply to that gentleman.

Mr. DUNLOP said, the gentleman had been so long in the habit of teaching, that he could not help teaching this Convention.

The CHAIR, Mr. Porter, called the gentleman to order.

Mr. DUNLOP persisted in his remarks.

The CHAIRMAN ordered Mr. Dunlop to take his seat.

Mr. STEVENS appealed from the decision of the Chair, but after some conversation withdrew his appeal.

Mr. SERGEANT thought that this was the most alarming innovation that had yet been attempted to be introduced into the Constitution; it struck at the root of popular government; it declared that the people should not have the right to choose whom they have to represent them. There was a restriction in reference to the eligibility of the office of governor: he could not hold his office longer than nine years. But did not every one see the reasons why there was a restriction in reference to the governor? The immense patronage of that office; his power to retain his partizans in office, to enable him to intermich himself in power, and to obtain almost regal authority, if he aspired to it, made it necessary to limit the term of the executive. But this was not the case with the representatives of the people; they had no patronage, no power, but were chosen annually from the people, to whom they are personally known. Here there was no danger; and if there was a limit, it would be a limit to the rights of the people. He was opposed to such a restriction, because it would say to the world, that we could not trust the people; it would be a libel on representative government; a declaration that the experiment of representative government was at an end; that the trial had been made in Pennsylvania and proved a failure, and that a Convention of the people were about to tie up their hands. The gentleman from the county has said, that the people in some districts had acted on this principle. But was there not a difference between a rule which they made for themselves, and a law imposed upon them by others?

The expediency of such a restriction, to say nothing of the principle, could not stand the test of argument. There were several delegates in the Convention, who had been in Congress; they had there seen that Pennsylvania, and especially New York, owing to the operation of the rotation system, had little influence in the national councils, compared with that of other States. He considered the proposition in opposition to a vital principle in republican government; the principle of the people acting through their agents. What was this principle of republican government? It was that the people should deputize whom they pleased to act for them, not to reward the agent, but for the good of the people. He recollected that a gentleman in Congress, acting upon the principle of rewarding agents, instead of selecting such as would best serve the public interests, offered a resolution for an alteration in the Constitution, restricting the presidency to one term. Before that resolution came up, he addressed notes to several prominent members, stating that they had talents and qualifications for the office of president, and if the Constitution was altered their chance would be increased; but if each president was in office eight years, there was little chance. This was based upon the principle that offices are a reward to those who hold them, instead of being for the benefit of the people.

A limitation to the eligibility of the executive was right, in order to prevent a concentration of all power in the hands of one man: but the representatives elected in small districts could concentrate no power, and were always immediately under the eye of their constituents; and to restrict the people in their primary action in their choice, would be only protecting the people against themselves.

He also could not sanction the derogatory sentiment, that, because a man had been three years in the Legislature, he was corrupted. He did not like to hear whole classes of men condemned as corrupt and unworthy of public confidence. We had sometimes heard the lawyers denounced as all knaves—the clergy as all hypocrites—the doctors as all quacks—and the members of the Legislature as all corrupt. He did not believe that he had a better opinion of mankind than others, but he could not think that the whole communities were rendered dishonest by their occupation, and those occupations the most honorable in the community. For his part, he did not think that a member of the Legislature would be as apt to become corrupted by attending to the interests of his constituents in the Legislature, as one who was toiling and laboring to get his place.

He had seen men who had grown gray in the service, and were honest to the last; and he had seen others who were gray, but who were no better than they should be. He had never seen a man corrupted by the company of the members of the Legislature; but he had seen men corrupted by the bad company of politicians engaged in electioneering. If the principle of the gentleman was correct, members of Congress, by being in the service of the country, would be-
come corrupted in their morals, and, like an old greasy coat, it would have to be thrown aside for new ones—it was impossible, for such it be the truth. He hoped the amendment would not be agreed to, but that the Convention would show by their vote, that the people were capable of self-government.

Mr. EARLE said, that if it was admitted that restrictions could be made, the argument of the President was not sound. He admitted that there ought to be a restriction in reference to President and Governor, but not in reference to representatives. And the reason given is, that the executives of the State and the Nation have patronage. But the representatives have patronage, or something equivalent to it. They obtained the passage of bills, and by their position, obtained offices from the Governor for their constituents. This laid the people under obligations, so that it was not easy to oppose re-election. In answer to the remarks in reference to the corruption of members, it was true that power had a corrupting influence, and the longer it was held, the worse it was. One gentleman has mentioned that Aaron Burr held office at the age of nineteen—this was corroborative of the truth of his position.

Mr. McCaHEn was opposed to putting into the fundamental law of the state any thing restricting the power or action of the people. He believed that they were capable of judging who should represent them at all times. Such restrictions would do well enough to be used by a nominating committee, because the people were afterwards to pass judgment upon the nomination. A representative might possess some tact, and have certain qualifications which the people might desire to have used for their interests. He should therefore go against the amendment.

The vote being taken, the amendment was lost, when the Convention adjourned.

SATURDAY, June 3, 1837.

Mr. SHEETZ, Mr. HYDE, and Mr. KONIGMACHER, obtained leave of absence for a few days.

The CHAIR presented a communication from the Secretary of the Commonwealth, transmitting information called for in relation to the executions in this state from the year 1789: laid on the table and ordered to be printed.

Mr. STERIGERE offered the following resolution which was read,

Whereas, great inconvenience is experienced on account of the delay in the printing of the journal, and in doing the miscellaneous printing of the Convention, in consequence of engaging one person to perform the whole—therefore,

Resolved, That no more of the miscellaneous printing of the Convention, shall be performed by the printer of the journal, and that the secretaries be directed to have all such printing hereafter ordered which has not been begun, and all which may hereafter be ordered, done by some other person, that the papers may be laid on the desks of the members as early as practicable.

Mr. S. called for the second reading and consideration of the resolution, which was not agreed to, and the resolution was laid on the table.

LOTTERIES.

Mr. PORTER, of Northampton, from the committee on the ninth article of the Constitution to which was referred the petitions on the subject of lotteries, made the following report, which was laid on the table and ordered to be printed:

That, in obedience to the directions of the Convention, they have again taken the subject into consideration, and report the following as an additional section of the bill-of-rights, to precede the last section of the existing bill, and to be numbered accordingly.

Sec. The legislature shall never sanction or authorize any lotteries.

Mr. STERIGERE called the attention of the Convention to the fact, that the printing of the journals, and miscellaneous papers of the Convention, was delayed, to the great inconvenience of the members, and asked for the consideration of the resolution which he had this morning offered on that subject.

The CHAIR said the motion would not be in order till Monday.

Mr. CUMMIN moved the reconsideration of the vote taken some days ago by which the resolution for afternoon sessions was adopted:

Mr. DICKEY asked the yeas and nays on the motion.

Mr. CUMMIN said the reason which principally influenced him in making this motion, was that the reporters of our proceedings, who were now called to the desk for the whole of the morning sitting, would not, if the labor of an afternoon session should be imposed on them, be able to keep pace with our debates, in writing out. The members also, he said, wanted more time for their correspondence with their constituents.

The question being then taken, it was decided in the negative, yeas 45, nays 67— as follows:


NAYS—Messrs. Agnew, Banks, Barnes, Bayne, Bell, Bamham, Brown of Northampton, Chambers, Chandler of Chester, Clapp, Clark of Beaver, Clark of Dauphin, Cleaver, Cline, Coates, Cox, Craig, Crain, Crum, Darlington, Darragh, Denny, Dickey, Dickerson, Dillinger, Earl, Fuller, Gillmore, Goodell, Hamlin, Harris, Hayhurst, Heister, Henderson of Alleghany, Henderson of Dauphin, Higby, Houpit, Hyde, Keim, Kennedy, Kerr, Keese, Lyons, Massey, Magee, Mann, McCall, Miller, Montgomery, Myers, Pennypacker,
The Convention resolved itself into committee of the whole, (Mr. Porter, of Northampton, in the chair,) and took up for consideration the reports of the committee on the first article.

The committee having reported, that it is inexpedient to make any alteration in that section, the fourth section was read, as follows:

4. Within three years after the first meeting of the General Assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made, in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the city of Philadelphia and the several counties, according to the number of taxable inhabitants in each, and shall never be less than sixty nor greater than one hundred. Each county shall have, at least, one representative; but no county, hereafter erected, shall be entitled to a separate representation, until a sufficient number of taxable inhabitants shall be contained within it to entitle them to one representative, agreeable to the ratio which shall then be established.

Mr. Hamlin, of McKean, moved to amend the section so as to allow a representative to each of the counties of Warren, Pike, McKean, Potter, and Wayne, and increase the maximum number of representatives to one hundred and five. Mr. H. said he should rather be content with a few representatives in support of this amendment, not because its merits did not entitle it to full discussion, but for the reason that the committee had manifested much impatience of long speeches. The counties which were named in the amendment had never had separate representatives, having been erected since the Constitution was adopted. His view was, that the proper mode of regulating the representation, would be, to adopt a ratio compounded of territory and taxation, and to give each county a distinct representation. Each county, he said, had its distinct and separate interest. It might be objected that each township, and each ward in a city, had also distinct interests; but, with regard to matters of general importance, each county had a common interest distinct from that of its neighbor. Several of the counties, extensive in territory, but thinly settled, had no representatives at all. A large county, densely settled, might be entitled to a larger number of votes in the legislature; but at least one delegate should be given to each county. That was the course pursued in the eastern and western states. The Constitution of '76, and those of 1789 and '90, gave to each county, at least, one member; and many of the counties had a very sparse population. If it had been found an improper measure, the framers of the Constitution of '90 would have deprived the small counties of their representatives. Those counties which were represented in common by one delegate, necessarily suffered much injustice. Some of these delegates never saw a foot of the soil of the counties they represented, and their interests were of course unknown and disregarded. This was a reflection on the institutions of the State. Without an accurate knowledge of the territory and the people, a delegate could not do justice to any county.

Mr. Sterigere said, the claim presented by the gentleman from McKean, was founded in justice and good policy. He was disposed, however, to place it on a still broader ground than the gentleman himself had taken, and apply the principle to every other portion of the State. It was a principle which was recognized in the Constitution of '76 and of '90, and had been adopted by almost every State in the Union.

In order to carry the principle still further, so as to cover the whole ground, he offered the following amendment: To substitute for the whole proposition the following:

4. In the year one thousand eight hundred and thirty-eight, and in every seventh year thereafter, an enumeration of the taxable inhabitants shall be made in such manner as shall be directed by law. The number of representatives shall, at the next session of the Legislature, after making such enumeration, be fixed by the Legislature, and apportioned among the city of Philadelphia and the several counties, as nearly as may be, according to the number of taxable inhabitants in each, and shall never be less than 80, nor more than 100. Each county now erected shall have at least one representative; but no county shall hereafter be erected, unless a sufficient number of taxable inhabitants shall be contained within it, to entitle them to one representative, agreeably to the ratio which shall then be established. Nor two or more counties shall be connected to form a district; nor shall any county be entitled to one representative or more, an additional representative, on any number of its taxable inhabitants, less than one
Mr. HAMILN said, he believed the amendment which he had offered covered the whole ground. He had no idea that any member would agree to lay off any portion of the present representation, and he did not intend to propose it. He thanked the gentleman for his support, but wished the principle which he had proposed to be acted on separately and distinctly. The gentleman's proposition to decrease the representation would endanger that which he had offered, and he hoped it might.

Mr. STEVIGERE said there was a general and decided hostility to increasing the number of representatives. He himself would go against any increase of the number above one hundred, and for that reason he would not support the proposition of the gentleman from Warren in the terms in which he had offered it.

Mr. STEVIGERE moved to strike out the words "land" as a proper way for the gentlemans to reach his object, to remove a hundred.” He offered it, however divided that representation was in party politics, however divided its influence towards each other, when they came to any matter in which their local interests were concerned, they presented a solid phalanx of fifteen votes. The votes of the city and county of Philadelphia were entitled to representation, and that, though entitled to five, it had but eight delegates.

Mr. STEVIGERE said, the only difference now between my proposition and that of the gentleman from McKean, since he has accepted mine as a modification of his amendment, except the words "one hundred," is as to the number of representatives. The question between the two is merely whether the number shall be one hundred, or one hundred and five; and the same as if the motion were to strike from his amendment the words "and five.”

Mr. BROWN said, his object in the inquiry was only to know, whether the President, in beggaring off the city of Philadelphia, intended to endorse the charge made against the county?
Mr. FORDWARD, of Allegheny, said that as his constituents have some interest in the question now before the committee, he felt justified in stating the reasons which would govern his vote. He would premise that he took no interest in the discussion about the enumeration of taxables in the county of Philadelphia. Whether gross frauds had been committed or not, weighed nothing with him on this question. If frauds had been committed, let measures be taken to prevent them in future. The proposition before the committee was to give to each county in the State a representative. He was opposed to the amendment; not that at the present time it would make any difference in the representation of the county from which he came, or seriously diminish the relative weight of that representation. He thought, however, that the number of representatives should not exceed one hundred, and that representation should have no other than a popular basis. But his principal objection was that the State was growing in wealth and population, and in twenty-five or thirty years the number of inhabitants entitled to a representative must be twice as great as at present. The advance of the State in wealth and population would make new counties desirable. Many of the present counties would be sub-divided and then the representation would be unequal and unnatural. In the western part of the State there were counties that might be conveniently divided, and whenever the interests and convenience of the people demanded it, new counties should always be made. They would undoubtedly be erected, and their number could only be limited by the progress of wealth and population; but as the ratio of numbers to representation may be doubted or trebled, new counties hereafter organized may not be entitled to a representative, while some of those now existing will have that privilege, although inferior in numbers. This cannot be right. This inequality will create heart-burnings and dissatisfaction which will end only in an alteration of the constitution.

But it is said that each county has a distinct and separate interest which ought to be represented. What is that interest? Can any one define it? Can we acknowledge any corporate faculty or interest as a basis of representation? There is in a county no corporate interest apart from the people as individuals, which has a right to a voice in the legislature. It is not corporations, but the people that are represented. But, says the gentleman from McKeesport, the people of the small counties are not represented. Sir, said Mr. F., they are represented, and the gentleman’s speech is an evidence, that four of those counties are represented on this floor. With regard to the great interests of the State, every delegate was a representative of the Commonwealth. As between those who lived on different sides of a county line, what separate interests were to be represented in the legislative Hall? It is not the boundary of two counties that creates different or opposite interests in the people who are thus separated. Nor is it true that benefits derived through the legislature to the different counties in the Commonwealth, are regulated according to the number of their representatives. If you give to a small county with a few hundred inhabitants, the same representation as one with a number which entitles it to a member, it will not be the people that are represented, but the corporation. Great injustice will moreover be done to counties that may be hereafter made, and you will violate the republican principle that representation should be based upon population.

Mr. MARTIN, of Philadelphia county, said, that he thought he could place the circumstance in relation to the alleged fraud in the enumeration of taxables in the county of Philadelphia, in a proper light before the Convention. It had been stated by the gentleman from Adams, that gross fraud had been practiced. He believed that there had been no fraud, but that all things were conducted fairly.—The gentleman from the city had said that the enumeration was illegal. He did not know but that it was so, for he knew nothing about law. But it might have been illegal without being fraudulent. The Assessors were unable to do it, and other officers were appointed.—The Assessors could not, consistently with their other duties, make the enumeration in time. What was there then to be done? Was it not the duty of the Commissioners to have other officers appointed? The gentleman from Adams has not only charged the county with fraud, but has charged it upon one party. The board of Commissioners was composed of men of both parties. When the legislature had the returns of the counties before them, for the purpose of apportioning the representatives, they held that there was fraud in the returns of Philadelphia county, because too many taxables were returned;—and they, therefore, threw out the returns, and apportioned the representatives for the city and county of Philadelphia, on the old list of taxables. In the county of Philadelphia, the population was a varied one. A great many were followers of the sea, and it was not possible to ascertain the number of taxables by comparing the number with the actual votes polled at any election. He repelled the idea that the population of the county of Philadelphia was not entitled to credit. There was not a more industrious and worthy class of citizens in the Commonwealth. It was composed of farmers and mechanics, who were not subject to be carried away by excitement and passion. They gained their property by honest industry; and would always respect the rights of property. The charge of fraud came from a legislature guilty of fraud itself, and such charges generally came from those who were guilty, in order to direct public attention from themselves to others.

ERRATA.

In the remarks of Mr. CLARKE, of Indiana, in the Chronicle of Saturday, on the subject of fixing the day of election, instead of a fair compromise would, he thought, be the 3d Tuesday of November,” read, “the 3d Tuesday of October;” and in the subsequent motion of Mr. GAMBLE, to reconsider, for “3d Tuesday in November,” read “3d Tuesday in October.”

In the remarks of Mr. KONIGMACHER, in the Daily Chronicle of Friday, the word “Sir” occurs in two or three instances when it should have been omitted.
CONVENTION PROCEEDINGS.

(Continued from Saturday.)

Mr. STERIGERE said the gentleman from Allegheny was mistaken in relation to the new counties which might be hereafter organized. It was not intended to deprive them of a representative to authorize a representation from all the small counties. This being the case, the gentleman's argument that the old small counties would be represented, while the new ones would not, fails. Nor was it intended to base the representation upon corporate faculties but to give, in fact, a representative to the people of the small counties, and not leave them to the mercy of the citizens of the larger ones. If this proposition prevails, new counties would not be created until the population was large enough to entitle them to one representative. It would prevent new counties from being made until the number of inhabitants justified it, and then, if the people desired it, new counties should always be made. But he was opposed to increasing the number of representatives. It would make the House more unwieldy, and less suited to deliberation. The large number of representatives in the Congress of the United States, was an obstacle to the transaction of business.

Mr. HAMLIN, in reply to the argument of Mr. Forwood, that there was little or no separate interest in the several counties, said that the county of McKean, in which he resided, was an example. There had been several attempts to alter the county lines and detach a part of its territory. At another time there was an attempt made in the legislature to dismember the county, and attach a part of it to Jefferson. At another, to attach a part of it to Warren. Here were instances where the county of McKean had no representative in the legislature to oppose, and the representatives from the adjacent counties were supporting it. At the last session of the legislature, a company was incorporated to construct a railroad from Sunbury to Erie. It was continued by the people of McKean, that the best route was through that county. Others contended that a route through the more southern counties is the most eligible. Here is a subject of vital interest, which comes home to the domestic firesides of the people, and was one of those separate interests that he wished to have represented in the legislature. He acknowledged that there were great interests, which were represented by the members of every county of the state of Pennsylvania; but there were also local interests, which could only be represented by one delegate from every separate community.

With regard to the proposition of the gentleman from Montgomery, to strike out five, and reduce the number to one hundred, he would only say, that it was not his proposition. He believed that the counties now represented would not yield their present representation, and on that ground he was opposed to the motion.

Mr. KEIM said: I regret, sir, to find an effort now making in this Convention to increase the number of representatives beyond the present Constitutional limit. If it were in my power to express the wishes of those who sent me here, without any direct instruction from them, I would say, they desire rather to have the number diminished than increased. Under that impression, a proper discharge of duty requires me to express that opinion on this floor.

I have ever deemed it incompatible with the dispatch of business, that deliberative bodies should be composed of excessive numbers, and there is no better illustration of the propriety of that opinion than the slow and inefficient progress made by this Convention itself. But, sir, distinct from the objection to increase the number of representatives, I am also opposed to the principle upon which that increase is asked by the gentleman from Warren, (Mr. Hamlin,) when he states, "that each county shall have a representative without regard to population."

The system of republican government is so closely allied with the basis of popular enumeration, that it seems essential to its very existence, and indeed loses its character and efficacy when that principle of equality is deviated from. The American revolution originated as much from the denial of equal representation as from any other cause, and the first impulse of every one seems to cherish as an established truth, that representation in proportion to population is the best ground work of republican government. The Convention of 1776 declares "that representation in proportion to the number of inhabitants is the only principle which can at all times secure liberty, and make the voice of a majority of the people the law of the land."

The council of censors, too, adopted and approved a similar proposition of republican safety. That Maxims shall rule, is a democratic maxim, and wherever that doctrine does not prevail, there may be a republic in name, but rest assured a despotism in reality.

A representative is claimed on the ground that "territory and population should form a criterion, and that each county is a distinct community for separate and distinct purposes." Sir, I deny the theory that there are any interests in counties distinct from the interests of the whole state. Counties are established frequently to
have courts of justice more available or contiguous to their inhabitants, frequently to make a more agreeable geographical delineation, and too often for the purposes of speculation in town plots or other property; they have never been created for any purposes beyond mere convenience, and cannot, by any inference, be supposed to acquire by that creation any distinct privileges, such as is now claimed for them. Sir, as a state, we are a consolidated Commonwealth, each integral portion, without regard to locality, possessing equal rights and privileges, and no particular section, under the claim of mere county boundaries, can be sustained in any qualification beyond the common interest of every portion of the state. Territorial representation is a property qualification in disguise, and capitvating as it may be to awaken sympathy for those in the "wilderness," yet there is delusion in the argument, and an utter violation of the principles of a free government. What, at a casual glance, does this measure propose? Take for example the counties of Jefferson, Warren, McKean, Potter, Tioga, Wayne and Pike: their aggregate of voters being less than 9,000, would be entitled to seven representatives, whilst the county of Berks with 11,743 voters would be entitled to four representatives. The fractional differences in other counties, for instance in Juniata, Mifflin and Union, in Lycoming and Clearfield, in Somerset and Cambria, would all be extinguished, and the two thousand voters of one county would possess all the power of four thousand voters in its adjoining county. Five hundred voters in the north-west would have a representation equal to a representative of three thousand voters in the east.

Truly it is said, that the interest of two counties often comes in collision; but under what circumstances will a contrary of interests be avoided? Climate, soil, internal improvements, political ambition, and favourite projects, will ever present a theme for county or individual controversy; but the great principle of equal representation in the ratio of population, must not be abrogated, because, forsooth, a local interest would require it. The inconveniences arise not from the unequal operation of a just principle, but rather from an overweening desire to accumulate advantages at the expense of every principle.

By what right do they ask these peculiar advantages? Are they more valuable citizens? More devoted patriots? Sir, I honor the west and the north; but I cease to honor them, when they ask me to barter away 3,000 qualified freemen for 500 citizens of any of their counties. I have heard of the close borough system, where the anomaly occurred of a representative without a constituency; but, even in a monarchy, reform abolished in some degree that aristocratic feature: shall it now be adopted here?

Sir, have not most sparsely settled counties participated greatly in the public improvements of the State? Have they not been fostered and nurtured by the common treasury? Has not two-thirds of the expenditure been appropriated through the very districts that now complain of neglect?

If, however, the principle be good, that each county has separate and independent sovereignty, pay back from your overloaded treasury the huge sums that have been accumulated from the county of Berks, without consideration and without benefit. She has never participated in your expenditures, and if you now deprive her of equity of representation, or disfranchise her citizens, there is no reason why her every township should not be a county, and her united community a sovereign and independent State.

Mr. DUNLOP, of Franklin, spoke in favor of the proposition of the gentleman from McKean, so far as it related to giving a representation to every county in the State; but he opposed the project of increasing the number of representatives. An increase of numbers would increase the expense of legislation, without any gain to the Commonwealth. One of the clerks had given him an estimate of the expense of legislation for one year, by which it appeared that it would not vary much from $105,000. An increase of four members would amount to $4,000 annually; not a large sum, but worth saving, unless something was to be gained by it. He proposed to limit the number of representatives from each county to six; and, if this were done, an increase of the whole number was not necessary, in order to give every county a representation. He believed that such a restriction was necessary to secure the country interests. If fraud had not been committed in the enumeration, the city and county of Philadelphia would now have had one-sixth of the representation of the whole State; the county of Philadelphia would have eleven members, and the city nine, making twenty, beside their senators; and he appealed, to the country to look to their interests. The representatives of the city and county, coming from densely populated districts having a common interest, frequently united against the country whenever it was imagined that it was not for the special benefit of Philadelphia. But one gentleman asks the question, when did they ever unite against the country interests? They united against the Baltimore and Susquehanna Rail-road, which was intended as an avenue for the citizens of the valley of the Susquehanna to carry their produce to market. He said that he respected the interests of the city, and rejoiced at its prosperity; but while he did so, he felt it his duty to guard the rights of other sections of the Commonwealth. There was another instance in which the city and county of Philadelphia united against the county of York. The citizens of York applied to the Legislature for liberty to make a rail-road, with their own money, to the Maryland line. The whole city and county of Philadelphia opposed it from year to year, until at length it was carried by the country members. There might have been some excuse for the opposition to the improvement, in consequence of the jealousy towards a rival city, had it not been at the same time an injury to a large section of the country. It will not do for any one to say, that this opposition to works for the benefit of the southern counties was because they were injurious to the public improvements of the State, because they could result in no such injury. But the city and county also united against the Franklin Rail-road, a public improvement which is not only for the benefit of the citizens of Franklin county, to enable them to carry their produce to their natural market, but to open an avenue from the west through the Cumberland valley, into the State of Pennsylvania. This opposition was an attempt to force the produce of the county of Franklin from its natural market to Philadelphia. Here were instances.
Where the city and county of Philadelphia had united against the interests of the country, and it was time for the country to secure its rights.

In her local affairs, the city will lose nothing by such a restriction. It will take one member from the city; but it will, at the same time, take two from the county. If the county of Philadelphia should be afterwards divided, her local interests will also be divided, and her hostility to the city will also be weakened. The city and county of Philadelphia, have always had separate interests on local matters, and probably always will have. The county line has made them enemies.

Like kindred drops, been mingled into one.

Mr. MEREDITH, of Philadelphia, said, that he had hoped that such things would not have been brought up out of place; and least of all did he expect them from the gentleman from Franklin. He entered his solemn protest both against the project itself, and the principle upon which it is based. The project had been stated; but what was the principle upon which it was based? Was property the basis? Was it population? Or was it a compound of both? Was this Convention prepared to base the representation of the State upon a principle, that a man who lived upon one hundred acres of land should have a greater voice in the government, than one who tilled a smaller quantity? However it might be covered up—however much the principle might be disguised, it would come to this at last—whether we are to have a representation based upon property, or upon population? He should go for the latter, and oppose the former, lest it come in whatever form it might. The only proper basis of representation was population: it was the only republican one; and he hoped it would be adhered to. No one ever abandoned a sound principle without coming at last to deleterious results; and he warned those who might now expect a present benefit by the abandonment of the old basis, to pause before they took a step, the consequences of which were impossible now to forestall. How was this principle now to begin? By letting it fall first upon the city and county of Philadelphia? Where it would next fall—upon what section of the Commonwealth—could not be foreseen.

But the gentleman says that frauds were practiced in the enumeration of taxpayers in the county of Philadelphia. But suppose there were? Is this a reason for an abandonment of the only republican principle of representation? Is it a reason for disfranchising the citizens of that county, because her county officers did not do their duty? If frauds were practiced in the enumeration, let there be a better method adopted—let the number of taxpayers be taken by State officers, and by disinterested persons; but let not a Convention of the people assembled to revise the fundamental law of the state, abandon a correct principle, because it is alleged that frauds have been committed. He would ask and receive nothing on this floor which tended to blacken the whole community in which he resided, or which charged them with maliciously uniting, from time to time, against the interests of other sections of the state. He repelled such charges as base and infamous slanders, from whatever quarter they might come.

We come here to form a Constitution upon great and common principles. Are we then to bring here the paltry intrigues of party, and the bitter denunciation of party warfare? Was there no quarter from which there was safety from its effects? He wished to inquire of those with whom he had been acting, if there was to be no end of this warfare? He cared not to what party gentlemen belonged—or how small the one was to which he was attached—he hoped to be found uniting against the introduction of party prejudices here, with all those who were opposed to making the Convention the theatre of party strife.

The gentleman from Franklin had supported this proposition with argument, and he was ready to meet him in argument; but he would not answer the attempts made to excite the prejudices of one portion of the state against another. The gentleman says that the county of Franklin has been injured by the united efforts of the representatives from the city and county of Philadelphia. What instance has the gentleman cited? The old contest between the city of Baltimore and Philadelphia for the trade of the Susquehanna! If he believes that there was a malicious attempt made to injure the county of Franklin, some consolation might be derived from the fact, that the city and county of Philadelphia were beaten in the attempt. It was perhaps right that they were beaten; but it was also well that they were not easily beaten. He presumed that they were beaten by argument, and not by appeals to such topics as we have heard this day: but it is said that the members of the city and county agree in the Legislature upon all topics in which they are interested. But do not the representatives of other districts agree also?

The gentleman has appealed to the Susquehanna interest, to array itself against the city and county of Philadelphia. And what was that interest? The west branch of the Susquehanna—the north branch of the Susquehanna—the Juniata, and the whole valley of the main stream to the Maryland line! It was one of the most powerful in the State. They united, also, when it was necessary to support their interests. Were they, therefore, to be cut down in their representation? On the great subject of internal improvements, the city and county of Philadelphia had stood by the Susquehanna interests, and all other interests in the State; and that, too, with great disinterestedness. Are we then to be disfranchised, and a citizen of Philadelphia to have less voice in the government, than a citizen of Franklin county? But we are told, that if we lose one member in the city, the county will lose more, and that, therefore, our comparative strength will be greater. We are, consequently, asked to do wrong, in order to injure the county. He declared, that he would never consent to such an act, but would protest against it forever. He asked no man's vote for any question, upon such paltry considerations. But, says the gentleman, the county of Philadelphia may have her representatives by being divided into two counties; and that then their local hostility to the city will be divided. He repudiated such an idea as unworthy of a moment's consideration. He concluded his remarks by saying, that the proposition struck at the root of republican principle, by the abandonment of the only true basis of representation, the population of the State.
Mr. FULLER arose to speak, but gave way for a motion for the committee to rise.

The committee then rose, and obtained leave to sit again on Monday, when the Convention adjourned.

MONDAY, JUNE 5th, 1837.

After the reading of the journal of Saturday, and the minutes of the committee of the whole for that day,

Mr. STERIGERE indicated some errors in the statement made in the minutes, of his motions in relation to the question of representation.

After some conversation on the subject, Mr. STERIGERE's motion to correct the minutes was rejected.

The PRESIDENT presented a memorial from many citizens of Philadelphia, praying the Convention to introduce a clause in the Constitution, prohibiting the Legislature from authorizing lotteries laid on the table.

Mr. SCOTT presented a similar memorial from many citizens of Pennsylvania, which was laid on the table.

Mr. G. W. RITER presented a memorial from many citizens of the county of Philadelphia, on the subject of banks and banking, of similar tenor to the memorials heretofore presented from several gentlemen, which was laid on the table.

The question being on proceeding to the order of the day, viz: the report of the committee on the first article.

Mr. FULLER expressed some opposition to the further consideration of the subject at present—and Mr. FLEMING said, he hoped the subject would be resumed when the Convention, by a large majority, determined to resume the subject.

First Article.

The Convention resolved itself into a committee of the whole. (Mr. PORTER, of Northampton, in the chair,) and took up for consideration the reports from the committee on the first article.

The following amendment of Mr. Hamlin, of McKean, as modified by him, at the suggestion of Mr. STERIGERE, being under consideration:

"In the year one thousand eight hundred and thirty-eight, and in every seventh year thereafter, an enumeration of the taxable inhabitants shall be made in such manner as shall be directed by law. The number of representatives shall, at the next session of the Legislature, after making such enumeration, be fixed by the Legislature, and appointed among the city of Philadelphia and the several counties, as nearly as may be according to the number of taxable inhabitants in each, and shall never be less than 80, nor more than 104. Each county now erected shall have at least one representative; but no county shall hereafter be erected, unless a sufficient number of taxable inhabitants shall be contained within it, to entitle them to one representative, agreeably to the ratio which shall then be established. No two or more counties shall be connected to form a district; nor shall any county entitled to one representative or more, be allowed an additional representative, on any number of its taxable inhabitants, less than one half of the one hundredth part of all the taxable inhabitants of the Commonwealth."

And the question being on the motion of Mr. STERIGERE, to strike out the words "and four,"

Mr. STERIGERE withdrew the motion, as this was not, he said, the form of the motion that he made. It was not his motion. The amendment he had proposed, was in fact different from that recorded by the Secretary.

Mr. COX said, if the gentleman did not make the motion, he could not withdraw it.

The CHAIR said, the record always stood for verify, and, as it stated that the gentleman made the motion, he could withdraw it.

Mr. BELL renewed the motion.

Mr. FULLER made some remarks on the subject of the representation of the several counties, and made some statements, from which he inferred that a more equitable mode of representation than the present one ought to be adopted. But what that mode ought to be, he was not prepared to say, and it would require some consideration. For this reason, he thought a decision on the subject ought to be postponed, and he moved that the committee rise and report.

Mr. EARET suggested that it would be better to pass to the next section.

Mr. SMYTH; of Centre, made some statements showing that great injustice was done to the counties in the north and north-west parts of the State, and particularly the county of Centre, by the present mode of apportionment.

Mr. STEVENS said he had no doubt from the first, that it would be the opinion here, that something ought to be done to lessen the overgrown representation of the populous counties—to give the small counties more representation and the large counties less.

The amount of the fraction lost by each of the small counties must always be very large, and much larger, in proportion to its representation, than the fraction lost by the large counties; and there was no way in which this could be remedied but by limiting the representation of any county to a certain number. If the committee could not arrive at a proper determination after hearing the views of those members who were understood to be prepared to address the committee on the subject, it would then be the best course to pass over this section and take up the next.

Mr. BUTLER said—Mr. Chairman, so much was said on Saturday last upon the subject now before the committee, that there would be but little left for me to add; were it not that in the course of some remarks made by the gentleman from Adams, (Mr. Stevens,) I denied, from my place, some of his statements. That gentleman is so very virtuous that it appears impossible for him to speak of our unfortunate county without expressing feelings of the greatest horror and disgust for our corrupt condition. His shocked feelings have found vent on several occasions, and the very name of Philadelphia county seems at once to arouse his indignation and his ire. I am sorry, sir, very sorry for this; for as I live in that condemned place, I am afraid the people of the State, if they read and believe the gentleman's character of us, will think that nothing good can come from that infected district, and
so will put us all down as a set of rogues. So great, sir, seems to be the gentleman's dislike of the county, that I can't help thinking he must have fallen into very bad company when he was there; there are places of which I have heard in the city and county both, into which innocent young men from the country, like the gentleman from Adams, are inveigled; and there certainly do meet with much harm and corruption; there are gambling tables, sir, to which the unwary are allured, and are very apt to lose their money. Now, sir, I don't know whether the gentleman was so unlucky, in any of his visits to the county, as to fall into any of these snares set to catch the young, the innocent, and the unguarded; but if he did accidentally stray into any of these gaming houses, or other places where impiety is practised, we cannot be surprised that he should so frequently and so feelingly denounce the wickedness of our poor county; for we all know that those who live in the country are a great deal purer than those who dwell within the corrupting influence of a large city. I hope, however, that if the gentleman should not be afraid to abuse our polluted atmosphere once more, that the next time he comes among us he may get into a little decent company, and perhaps may be induced to form a better opinion of us.

The gentleman's latest denunciation of us was on account of the septennial enumeration of taxable persons made in the fall of 1835, which he said was "illegal, incorrect, and false," made by a set of "corrupt, ward-out hangers on" of the county commissionaires, by whom they were appointed, and a great many other hard and ugly things he said which just now I can't remember. He has made charges and assertions which are unsupported by either fact or proof. How does the gentleman know anything about the persons whom he has so gratuitously denounced? Or has he proved that the enumeration made by them is incorrect? The only hook there is for him to hang all his argument and accusation upon, is a difference in the number of taxable persons as returned by the septennial enumeration provided for by the Constitution, and on which our representation is based, and the taxable persons as returned by the assessors under the triennial assessment of property and persons in each county. Now, sir, there always is, and always must be, a difference between these two assessments; yes, sir, if the very same men were to make both enumerations, there still would be a difference. At the septennial enumeration all inhabitants who are liable to be taxed are included in the list, in order that each county may have the benefit of a full representation, whereas at the triennial assessment, made for the purposes of taxation, only those are returned who in reality pay tax. This is a reason, sir, why there is and should be a difference; for we all know that there are many persons liable and subject to taxation under the Constitution, who are never made to pay the county assessment. Among this number are the free negroes: they are certainly taxable within the meaning of the Constitution, and are returned as such: yet they are never taxed: for if they were they would have an unquestionable right to vote and as it is not deemed expedient to allow them this privilege, they are not required to pay a personal tax.

When I say that negroes are never taxed, it will, of course, be understood that I mean those who hold no property; those who possess any real estate, or other property of value, subject to taxation, pay a tax, certainly; but in such cases, it is the property which is taxed, and not the person. I have the authority, sir, of a member of this Convention—my respectable friend from Chester—for these assertions. He has been Assessor himself, in his own county, where he has made the septennial enumeration of taxable persons, as well as triennial assessment of persons taxed; and he has informed me that there is always a difference; that he returns more in the septennial, than in the triennial enumeration; and for the very reason which I have stated, that in the county assessments those only are returned whom they intend to tax. This is but just and proper.

There is a similar discrepancy when real estate is valued: for instance—when the triennial assessments are made in the different counties, any property exempt from taxation is not returned: in some counties, large and valuable properties are exempt; in Philadelphia county, in particular, a great deal of property is not taxed, and therefore, is not returned. But which an estimate is made of the value of the real estate of the whole Commonwealth, all property is included, taxed or not taxed. Now, it is evident, that if a comparison were made between these two assessments, they would not agree; and, without an explanation, one of the statements would be condemned as erroneous.

The gentleman has made other extraordinary assertions: he has said the mode of making the enumeration in Philadelphia county is, to take whole number and add one half to it; that at elections, several hundred voters are hired at 50 cents a head, to come from New Jersey; and he spoke of a barn in which three hundred voters had slept, the night before an election, each one having had a pocket-handkerchief washed in the county. But as these wholesale accusations are based only on hearsay, or perhaps, are drawn from the gentleman's imagination, I pass them by: I care not for them; they are so delightfully absurd as not even to demand a denial.

But, sir, when the gentleman condescends to libel and traduce the character of particular individuals, with some of whom I am well acquainted, I do feel called upon to say something in reply. In obedience to a resolution of the House of Representatives, the commissioners of the county of Philadelphia published the names of the persons who made the septennial enumeration, and at the same time gave their reasons for appointing these persons. The resolution and answer of the commissioners are in vol. 1, of the Journal of the House of Representatives, session 1833-35, page 760. I am able to speak, from personal knowledge, of many of the persons appointed to make the enumeration, and whose characters have been so wantonly assailed by the gentleman from Adams. Instead of being the "polluted partisans," spoken of by the gentleman, they are men of the highest respectability; and instead of being the "worn-out hangers on of the democratic party," some of them are whigs, some democrats, some are not politicians at all, and one or two are of stanch anti-masons as the gentleman himself could desire. The very first name on the list, sir, is that of a good anti-masonic whig, a man with whom I have been well acquainted for many years, and no man in the country enjoys a higher character for integrity and intelligence. And, sir, in looking through the list, I see the names
of several persons whom I know perfectly well, some personally and some by reputation; and they are all men of the highest character; their names alone forbid any supposition that the returns made by them were false, or even erroneous.

The reasons given by the county commissioners for appointing these persons, are to me entirely satisfactory; one of the queries put to them was this:

"Answer to the third query.—By virtue of what authority other than the assessors were employed to make such enumeration?"

"By virtue of the act of 6th January, 1821," making it the duty of the county commissioners to issue their precepts to the respective townships, wards, and district assessors, on or before the first day of November, and the precedent set by our predecessors of issuing their precepts before the ward elections were held. And if the same had been delayed until after the elections, it would not have afforded sufficient time to perform the duty; whereby rendering the commissioners liable to the penalties of the law, and depriving the city and county of Philadelphia of a fair representation in the Legislature."

But this would not do for the Legislature; there were certain partisan leaders there, who could not bear the idea that that wicked place, the county of Philadelphia, should have an increased representation; so they forthwith got up a hue and cry of fraud and corruption, and tried to hunt down the character of the persons who made the enumeration; just, sir, as has been done in this Convention. Well, sir, as it would never do for them to increase our representation, they took upon themselves to say, that this enumeration was exaggerated, although they have never been able to prove or sustain their assertions. They accordingly sent for the returns of persons actually taxed, as appeared by the triennial assessment. No fault could be found with this; they acknowledged this to be correct; and according to this, they proceeded to make the apportionment. Now, sir, we will examine into this apportionment briefly, for I do not mean to detain the Convention much longer, and we will see with what degree of justice the distribution was made.

The septennial enumeration made in the fall of 1835, gave the city of Philadelphia 18,449 taxable. This number would entitle the city to six representatives, for it will be borne in mind that the ratio of representation was fixed at 3037; one representative for every 3037 taxable inhabitants. By the same enumeration, the county of Philadelphia had 34,308, fully entitling us to send ten representatives. But as certain politicians could not bear the idea of ten democrats coming from the county of Philadelphia, they agreed among themselves, I suppose, to raise the cry of corruption, to give them some shadow of excuse to set aside this enumeration, and to trample on the rights of the county. The triennial assessment being less than the septennial, suited their purposes better; and they agreed to call this the correct one.

But this gave the city only 14,419 taxables, which number was not quite sufficient to entitle them to five representatives, while it gave the county 25,159 taxables, entitling us to eight representatives. Now, sir, if there was any fraud and corruption; it was practised by the legislature; and as the gentleman himself was on the committee to make the apportionment, he ought to know something about it. And I should like to know why the city of Philadelphia, with 14,419 taxables, should send seven representatives, while the county, with 25,159 taxables, being 10,740 more than the city, it allowed only 8 representatives. But, we very well know the reason, sir, without any explanation: the injustice too palpable, the fraud too bare-faced, to be controverted, by any sophistry or any counter charges. The only corruption was in the legislature, and there the infamy must forever rest.

Mr. HAMLIN said he could not perceive how the bare, isolated proposition which he had offered, to give a representative to each of the four new counties, and increase the number of representatives in the State to one hundred and four, could be connected with the general question of a distribution of representation. He trusted that the motion that the committee rise would not be agreed to, and that the committee would go on and decide to day upon the proposition before them.

Mr. MEREDITH said, as the gentleman from Fayette wished time to consider the question, and as others were indisposed to get on, he was willing the committee should now rise. He was opposed to passing over the section and taking up another, as that would get the Convention into confusion. He had his views on the question, and should, at a proper time, present them; but if the matter was to be passed over, he would not give his views in regard to it. But, he would remark, that to go into detail on the subject, would, at any time, be out of the question; for it was not for us to settle the ratio, but the basis of representation. Whatever basis was adopted, he was willing to give the new counties a fair representation. As there was a strong desire to get to what was, by many, considered the most important question before the Convention, the Judiciary question, he hoped the committee would now rise. As the subject of the Judiciary was made the order of the day for next Monday, it was probable that gentlemen were prepared to proceed to it, and there would, therefore, be no lack of time.

Mr. BANKS said, if the argument assumed by the gentleman in favor of the committee rising, was correct, that the subject of the Judiciary would be taken up, he would go for it. But doubting whether that would be the course, he would not consent to leave this subject. Every member of the committee, he hoped, was satisfied that the small counties must, under the present system, lose by having large fractions, as they had but one member; while the large counties, with six, seven, or nine members, would lose no more. When were we to get at a more equitable mode of distribution? He thought it better to dispose of the question, in one way or another, at once; and, if any gentleman could hereafter satisfy himself that he could provide a better mode, he could offer the project on the second reading, and the question would then, no doubt, be satisfactorily disposed of.

Mr. MERRILL said, if he understood the question before the committee, it was, whether the representation should be left at one hundred, or increased to one hundred and four. He was opposed to the committee rising until the question was decided, or until there was
Mr. BELL saw no reason, he said, for the committee to rise. We had not yet heard enough on the subject, and he hoped those gentlemen who wished to address the committee in regard to it, would be heard on the subject. He hoped the motion would be negatived, as no good would result from the Committee rising now.

Mr. HOPKINSON said, he presumed from what had been dropped from some gentlemen, that there was a desire to take up another subject of more importance—the judiciary. But this was a subject of importance to some portions of the State, and it was hoped, even some of it would be taken up again at another time. In this way, by passing to one subject before we disposed of the other, we should have too many ragged ends. If the subject was to take up the judiciary, he would state, that as he was the Chairman of that committee, and wished to state the views which governed their report, and as to day he was extremely house, he would be glad to be indulged with a postponement of that subject till to-morrow.

Mr. SMYTH, of Centre, said his attention was the first time turned to this subject on Saturday last, and he had discovered that a large number of taxables in the counties were not represented. In justice to the northern and western part of the State, something ought to be done; and if we passed over the subject now, it might involve us in difficulty. In regard to the judiciary he should have nothing to say; but this was a subject of so much interest to us of the northern and western counties as any other. We ask for nothing that is not fair and right, and that we claim. He thought the committee ought to rise, and refer the subject of representation to a select committee, or to the committee on the first article, in order to have an equitable basis formed and reported.

Mr. FULLER did not wish, he said, to prevent any one from speaking. If the object of giving a fair representation to the new counties could be accomplished, without extending the number of representatives, it was conceded that it ought to be done. But, as no plan of that sort was now ready to be submitted, he thought the committee had better rise, and sit again on the 5th article. He was perfectly willing to remedy any grievances justly complained of by the people of the new counties; but, as yet, no acceptable plan had been submitted to the committee, and no plan was ready to be submitted. If any one had a plan to submit now, he would withdraw the motion for the committee to rise.

Mr. FLEMING said he had a plan ready for submission. Mr. FULLER then withdrew the motion.

Mr. FLEMING said, one question involved in the proposition of the gentleman from McKean was, whether "one-hundred" should be retained as the maximum number of representatives, or whether we should add "four" to that number? In regard to his own plan, it would make no difference how that question was divided. He was willing to vote for four, and he could see no objection; the expense of that addition to the present number would not be great enough to form an objection. It was asked of us that each county should be allowed a representative, and the hardship imposed on some counties by the present system had been forcibly urged. He made no complaint of hardship in relation to his own county. That county was large enough to receive one representative, and it was not in reference to its interests that he favoured the object of the gentleman from McKean. The manner in which this discussion had been carried on, formed of itself a conclusive argument in favour of the propriety of giving a representative to each county; for, in every respect, this discussion had partaken of the local interests and feeling of the several counties concerned. With the particular objections raised against the city and county of Philadelphia, he had nothing to do, and he cared nothing about the little squabbles in relation to them. He asked for no advantage from Philadelphia, any more than from Berks, and still less did he expect to advance his views by exciting a prejudice against those counties. He knew, from the intelligence and character of this committee, that no proposition would succeed here, unless it was based upon a just and proper foundation. To impose on this committee would be the last idea that would occur to his mind, and he knew well it would not be in his power to do it, even if he were so inclined. What, he asked, are the objections to allowing each county one representative? It was said that it would always be a source of jealousy and heart-burning to the new counties hereafter erected; but this was no substantial objection. Has it, he asked, had that effect in the counties established since 1789? Has that kind of dissatisfaction appeared in the four counties now unrepresented on this floor? In the county where he resided, this inconvenience had never been felt, because, having a sparsely populated area around them, the people of that county (Lycoming) could, whenever they pleased, take their own representative, and leave Potter and McKean unrepresented; but, no doubt, the two latter counties felt it as a great hardship.

This proposition added four members to the representative body, but it did not carry out an entire system. It did not say where the residue of the members of the Legislature should come from. I submitted a project, said Mr. Fleming, in reference to this subject, on the 11th ultimo; for, having reflected on the question, he had become aware of the necessity of carrying out an entire system, so as to dispose of the whole question. He proposed giving one representative to each county, and distributing the residue of the number, whether the maximum was one-hundred or a hundred and four, among the counties taken as a whole. He wanted no estimate to carry out this, and no calculation should be a guide for the Convention on such a subject. Suppose we give one representative to each city and county for its territory, where would be the injustice and inequity of the act? Would we in the north have any advantage over the middle or southern counties? Was there any inequality in this—that we should get one and they one? Because they have a few more houses or cleared fields, should they be entitled to a greater representation for their territory? Then what was objectionable in...
this plan? As to the residue, there would be no more difficulty in disposing of it than there was in disposing of the whole representation. Did it not leave the balance of power where it ought to be, with the mass of the people? Was there any hardship in this? Was this borrowing from Peter to pay Paul? And robbing Berks to pay Potter? No, far from it. The northern and western counties were not going to Berks or to Philadelphia, to buy a representative; nor was that the character of the people. They had never found it necessary to do so. Why? because they had always found the people of Berks and Philadelphia, ready to do them justice. This mode of distribution would certainly be much more just and equitable than any other that had been suggested. We had heard much said about the large fractions which were lost by the northern and western counties. He had felt the effect of those fractions, in his own district. Centre and Lycoming had a sufficient number of taxable, within one hundred and fifty-five, for a senatorial district. To make up these 155 taxable, Northumberland, with 4,000 taxable, was taxed to us. This was good measure: Resides his own district, he, therefore, represented all those people gratis, as he might say. This injustice arose necessarily from the present system, as each county in the west and north, that was allowed but one representative, lost a large fraction. Mr. Fleming pursued this topic, at considerable length, showing the inequality of the present system.

He did not, he said, seek to gratify any local feeling or prejudice, but to make a Constitution for the whole Commonwealth. There were some subjects in which the common property, as a public road, for instance, was more immediately important to one particular county than to another. What injustice could be done, by this scheme, to the middle counties, he could not see: it was the common interest of all the counties that every part of the State should be represented. This was a plan which would meet out ample justice to every part of the State; for, after giving each county one representative, the residue would be distributed, and where necessary, by connecting two or more counties together, for the choice of one representative. Would the large counties say that we will tack the new counties together, but keep for themselves a separate representation? Was this a just and fair system, to enforce upon the sparsely populated counties a plan which the populous counties will not agree to apply to their own? The gentleman from Berks was in favor of representation according to the number of taxable.

Mr. KEIM said, if the gentleman means me, I beg leave to state that I advocated population as a basis.

Mr. FLEMING. That is the same thing: there is no essential difference in principle. If we pursue the course adopted by the framers of the Constitution of 1776, who were noted for patriotism, wisdom, and justice, we should give to each county one representative, whatever was its population. The very fact of their being stricken off into a new county, gave them a character which entitled them to a separate representation. We disdain the idea of wishing to curtail the privileges of any county; and there would be no hardship resulting to any of the populous counties, from carrying out the system to its full extent. Was there any more difficulty or hardship in dividing the residue of representation among the counties, after give...
CONVENTION PROCEEDINGS.

CORRECTIONS.

In consequence of some mistakes of the compositor, we reprint the following part of the second column of page 207 of the Chronicle:

Mr. HAMLIN rose to accept the proposition of the gentleman from Montgomery, (Mr. Sterigere,) with the exception of the additional five members, which he retained.

The question then being on the proposition as offered by Mr. Sterigere, but including the words "one hundred and five," instead of "one hundred and five,"

Mr. STERIGERE said, the only difference now between my proposition and that of the gentleman from McKean, since he has accepted mine as a modification of his amendment, except the word "one hundred and five," is as to the number of representatives. The question between the two is merely whether the number shall be one hundred, or one hundred and five; and the same as if the motion were to strike out his amendment the words "and five."

Mr. SERGEANT, President, made some complimentary allusion to the ability with which the interests of the new counties were supported on that floor, by the gentleman from McKean; and made some marks in reply to what had fallen from the gentleman from Adams, exonerated his own part of the city from any censure on account of the illegality of the returns made by the commissioners.

Mr. BROWN, of the county, should not, he said, offer any reply to the remarks of the gentleman from Adams; but what had been said by the president on this subject might be of some importance, and he desired whether he endorsed the charges of the gentleman from Adams. Mr. B. said, as at present advised, he was in favor of the proposition of the gentleman from McKean, as apparently just and reasonable.

Mr. SERGEANT said, there was no difficulty as to his opinion that subject if it was entitled to any weight. He had no doubt that the county commissioners acted in direct violation of the act of assembly. The county decided on having the enumeration made by one of their own appointment. As far as that went, he had no objection in saying they violated the law. But when he came to the question of cheating, he was unable to give an opinion, because he knew nothing of the facts: that was a judicial question, as to which must hear both sides. He had never heard the question discussed, and never, without a hearing, would he express an opinion on any man or body of men. There was, at the time, a general impression in Philadelphia, that the city of Philadelphia was wronged in the apportionment; but this was not proof, and he would never agree to have a case decided by popular impression which belonged to the judicial authorities.

Mr. BROWN said, his object in the inquiry was only to know, whether the President, in begging off the city of Philadelphia, intended to endorse the charge made against the county?

The following was omitted in the proceedings of Saturday.

Mr. SELLEVS presented a petition, from many citizens of the county of Montgomery, similar to some already presented on the subject of banks and currency, which was referred to the committee appointed on that subject.

(Mr. HAMLIN'S remarks—Continued from Monday.)

In almost every instance, there would be fractions over the ratio, or not a full complement. The gentleman from Berks has made a plausible argument in theory: his plan of representation, strictly upon the basis of population, cannot and never has been put in practice in Pennsylvania. According to the ratio, Berks county was not fully entitled to four representatives at the late apportionment; nor would she have been on a ratio based upon population. The same was the case in respect to several other counties, while there were others that had a considerable portion over. This shows that the representation is not based on population or the number of taxpayers. If then, there is a departure from the principle in order to keep the counties distinct, why not permit it in a case when called for by the public good? The small counties now had no voice in the Legislature. That representation and population should go together, was correct in principle in the abstract; but there are exceptions in practice. It was a general rule of law, that no one should give evidence in his own case; yet a man was allowed to come into court, and swear to his own bank accounts. It was declared in Scripture, that "whoso sheddeth man's blood, by man shall his blood be shed;" yet, definitive war was justified. There was in fact no rule which had no exception.

Mr. BROWN, of the county of Philadelphia, said he rose merely to say, that so much of the argument as related to the proposition of the gentleman from Adams, (Mr. Stevens,) and the gentleman from
Franklin, (Mr. Dunlop,) that no county shall have more than five representatives, it was not his intention to say anything at this time. That proposition, he said, had its character written on its face, was stamped on its forehead with its own injustice and iniquity; and he felt satisfied that it would never receive the sanction of the Convention. If, he said, the proposition should be again before the Convention, and he had any reason to suppose that he had mistaken the judgment and justice of the Convention, and that it was disposed seriously to entertain the scheme, he (Mr. B.) was ready to argue the question, and show the whole matter in its proper colors.

The vote was then taken on striking out the additional four, when it was decided in the affirmative.

Mr. STEVENS then moved to add to the end of the amendments the following:

"That no city or county should ever have more than six representatives."

Mr. DORAN asked the gentleman from Adams, what reasons he could give for the passage of his proposition?

Mr. STEVENS replied, that he gave his reasons on Saturday; but as the gentleman did not hear them, and as he trusted he was open to conviction, he would repeat them. Separate communities having distinct and local interests, united in one common government, ought to be represented in that government. It was a principle that would be admitted by every delegate, except those from the city and county of Philadelphia, that this was a republican basis, although they could not agree upon the exact mode. It was the basis in seventeen States in this Union, and also, in the general government.

The smallest States having only a few thousand inhabitants, have an equal representation in the general government, with those whose population is more than a million.

Did not the States hold the same place in reference to the general government, that the counties hold to the State? In Pennsylvania, there never had been such a principle as a representation, purely or in proportion to the population. In the Constitution of 1776, the council of censors was not based upon population, but upon a territorial basis. In the Constitution of 1790, the provision against the division of counties, renders a representation upon population impossible. How is it in the New England States, whose Constitutions have been held up by the reformers in this Convention as models of democracy? In Vermont, where the judges are elected for short terms, every town has one representative. In Massachusetts, the basis was a compound between population and territory. In New Jersey, the principle of representation is the same, and it is also the same in every state, except nine, in the whole Union.

For this amendment, there were some peculiar reasons. It was for the protection of the county interests, and for the purity of the Legislature. And if it was a sound principle to give a member from policy to a small county, it was equally sound to limit a large county. The reasons for both are the same. He said that he felt called upon by the interests of his constituents to support the amendment. In a few years, unless a limit was set, the county of Philadelphia would have twelve representatives, and the city eight more, which was one fifth of the whole House of Representatives. If then, one or two of the large counties should join with them, for instance, Allegheny, in which the city of Pittsburg was situated, and some of the other large ones, they could control the State—dictate what improvements should be made—and what should not: tax the people for their construction, and the other counties would be obliged to yield. He warned the delegates from the middle counties to beware of the consequences.

The purity of representative government, also, required the amendment. Would any one say, that the population of a city was as pure as that of the country? As well might one compare those breezes that breathe through the green groves, or that blow from the mountain tops, with the pestilential and putrid effluvia that arises from the marshes that surround the suburbs. He did not mean to say, that the city of Philadelphia alone, contained a worse population than the country. On the contrary, he believed that no city of equal extent, had a better population. But all large cities had a less virtuous population than the country, and one of the truest things that Thomas Jefferson ever said, was, that “great cities were great sores.” And were they not so? Gentlemen had better reserve their blistering for other subjects than to resent a truth like this. Great cities were corrupt; they were putrid sores upon the body politic, and filled the political atmosphere with gangrenous putridity.

The young gentleman from the county (Mr. Baierl) has come out o-day. He seems to be quite harmless, notwithstanding his malignity. I shall not answer his studied effort, his Sunday’s labour. I never reply to low, rude, personal scricrility. But, allow me to say to that youth, that vulgarity is not severity. He need not be alarmed, however, lest I should attempt to inflict any chastisement upon him. There are some vermin so small, that if you would attempt to crush them, they would escape unhurt under the hollow of your foot. Sickly, green, and rough as the plant now seems, I would be cruel to trample on it. When it has seen more sun, attained greater height, and been trimmed and fostered by the careful hand of the gardener, it may assume a more comely shape, and more useful growth, ragged and unseemly as it now is.

Mr. B. then referred to the course of the city in reference to internal improvements for the benefit of the country. When a state tax was levied on those improvements which were made for the benefit of the city, in the country the assessors were sworn, and said the tax upon a true valuation. But in the city and county of Philadelphia, the commissioners made what they called an adjust valuation, and then made a deduction of 60 per cent. The county had too much honesty to commit official perjury. He made no charge against individuals, but he wished to call things by their right name. But we are told, that the city of Philadelphia had stood by the interests of the country and therefore, ought not to be deserted in time of need. When the public improvements were commenced, they were intended to connect Philadelphia with Pittsburgh. The Susquehanna interests were then opposed to it, but were brought by extending the canals up the Susquehanna and its branches. I
Mr. MEREDITH, of Philadelphia, said that he regretted that one gentleman in the Convention had not only found it necessary to introduce a proposition, having for its object the disfranchisement of a part of the Commonwealth, but to let off his venom against it. The people of the Susquehanna had never been based upon the number of taxables. It was wrong to disfranchise the city of Philadelphia. He challenged the gentleman for his proofs, and called for the facts to sustain the position against his city. If large, rising, and populous cities, are a bane to the community, it is wrong to increase their prosperity. It would then be the duty of the people to put down the large towns, shut up the avenues of trade, break down the railroads, fill up the canals, and destruction of the commercialemporium of the State would be certain. If his doctrine is correct, the small towns would be broken down, lost they should trade with the cities and increase a corrupt and degraded population. If the cities are to be cut off, they should be cut off from the body politic, not to corrupt the purity of the State.

In Pennsylvania had never been based upon the number of taxables. Mr. M. then read from the Constitution of 1776, to show that it was then the established basis. In 1790, there were but nineteen counties, and the limit of one hundred representatives was then put in the Constitution, and the basis established was the number of taxable inhabitants. With great respect to the New England states, he could not admit that they had a right to come here and teach us the basis we should adopt of representation. Ohio was based upon the republican principle of population—on which is the same thing—the number of taxables. They have a right to base theirs as they please. But, says the gentleman, this principle is found in the Constitution of the United States. Can this be an argument? It is true, the Senate of the United States is not based upon population, but that Senate is a representation of sovereignties, which, however small, or large, claim to be equal. If the gentleman wishes, let him introduce a provision to base our Senate on territory. In the general government, the House of Representatives is based upon population. But the proposition of the gentleman has not the equality of a basis upon territory. It is to take from one portion of the State to give to another. The gentleman has appealed to the delegates from Washington and Berks, to induce them to go in a mass to disfranchise the city and county of Philadelphia. He did not believe that any delegate in this Convention, and especially those from the counties named, his principles and patriotism—which begins with self, and seems to end there—would induce gentlemen from those counties to think, before they repudiated their old and tried friends. For, even upon the principle of self, which the gentleman from Adams acknowledged to be his guide, the people of the southwest part of the State, as well as those upon the Susquehanna, should be the last to punish the city of Philadelphia. But, when did the county of Franklin, or the improvement county of Adams, come to the aid of the people of the northwest, or the valley of the Susquehanna? When the bill was before the legislature in 1825, for the incorporation of the Chesapeake and Ohio canal company, in which the citizens of the northwest were deeply interested, all the delegates from the city of Philadelphia, with the exception of two, voted for its passage. He would inquire of one of the gentlemen from Washington, who was then a member of the legislature, as well as himself, if the members from the city of Philadelphia did not stand by this bill? On what principle was this support given? Not on the principle of the number of taxables, but on the principle of self; for this canal was intended to take a portion of the trade of the west from Philadelphia to the South. The support of this bill by the members from Philadelphia, was given on the principle that they had a right to make this improvement for their own benefit, with their own money, provided they did not injure the Commonwealth at large. But what was the course of the representatives from the improvement counties of Adams and Franklin at this time? The journals would tell: and he would show before he finished, that this improvement was not carried by the votes of Adams and Franklin, but by the support of the city of Philadelphia. The bill to incorporate the Baltimore and Ohio railroad company was supported by the representatives of Philadelphia on the same principle. The public improvements of Pennsylvania were not then carried on by State taxa-
tion, but by funds raised in the city of Philadelphia, and it was believed by her representatives that, in granting acts of incorporation for these Baltimore projects, Pennsylvania should reserve the privilege of connecting with them. They, therefore, insisted on this right as an act of justice.

The hour of adjournment having arrived, the committee rose, and the Convention adjourned until 4 o'clock.

Tuesday Afternoon, June 6, 1837.

Mr. Meredith resumed his remarks. He said that he could not assure the committee that he could get back to the place he left off when the Convention adjourned; if he had been permitted to proceed, he should have finished what he had to say in a very short time. He thought that he was speaking of the Baltimore projects. Those projects have succeeded in tapping the public works, and leading off the trade from our railroads and canals, which had been constructed for the benefit of Pennsylvania, and by the funds of Pennsylvania, to the city of another State. If the representatives of Philadelphia had been watchful of the great interests of our constituents, and mindful of the still greater interests of the Commonwealth, it ought not now to be a matter of reproach, and given as a reason for forfeiture of rights. When the State commenced her system of internal improvements, they were intended for the general good of the whole Commonwealth, and not for any partial or local object. At that time the prosperity of the city of Philadelphia was considered inseparable from that of the whole State; and looked upon by every Pennsylvanian, rather as an ornament to the Commonwealth, and pointed at as the fruit of her enterprise, and the object of her pride. At the commencement of our public works, the income to be derived from tolls was considered of far less importance, than the prosperity which they would give to the Commonwealth. Down to the time when he left the Legislature in 1835, there was no State tax, and the improvements were constructed by funds raised in the city of Philadelphia, which was not then considered as an ulcer upon the body politic, and a blot upon the character of the State. Mr. M. then referred to the journals of 1824-5, to show that there was a time when the delegation from the city of Philadelphia voted the bill for the incorporation of the Chesapeake and Ohio canal company; that at that time the city and county were not united in the members of the city voting for the bill, and those of the county against it. He said he had not had forty eight hours time to prepare himself; yet he hoped by facts from the book, to show that, so far from its being the truth, that the city of Philadelphia had united with any interest against the country, she had stood by them in the hour of need, and at those very periods when she had been charged on this floor of maliciously opposing them. He was sorry the present Governor was not on this floor, as he could not have forgotten the course taken by the representatives of the city of Philadelphia. Mr. M. then referred to the journals of the House of Representatives of 1824-5, page 583, when the bill to incorporate the Chesapeake and Ohio canal company, was on second reading. A motion was then made by Mr. Diven, of York, and seconded by Mr. Robertson, of Montgomery, to postpone the bill for the present. Oh this motion the friends of the bill voted against a postponement, and all the members of the city, but one, voted with them. But Mr. M'Sherry, who was then a member from Adams, voted with the opponents of the bill.

There was also another vote on that bill, which could be seen by a reference to page 621 of the journals of that year, when it came up for third reading. A motion was made by Mr. W. R. Smith, of Huntington, and seconded by Mr. Bytho, of Millin, that the bill be postponed, and recommended to the early attention of the next Legislature. On this question, Mr. M'Sherry, of Adams, voted to postpone the bill, while all the members of the city, but one, voted against the postponement. The vote was 43 to 35, the county of Philadelphia voting in a levy against the bill, together with Mr. M'Sherry of Adams, and Mr. Alexander of Franklin.

Another vote was given on this bill, and will be found on page 679, and 680. A vote to postpone had been reconsidered, and the question then came up again for a postponement, when it was postponed by a vote of 38 ayes, to 34 noes. Both members from Adams, Mr. M'Sherry and Mr. Dandorf, voting to postpone, and two of the members from Franklin not voting at all. Here all the members of the city voted against the postponement; so it may be seen that the bill might have been saved by the votes of the members from the improving county of Adams, and carried by the help of the members from Franklin. The people of Philadelphia approved of the votes of their representatives, and public opinion having changed in relation to this subject in other quarters, the bill passed at the next session of the Legislature, the members from Adams then voting for it.

Here it will be seen that the representatives of the abused city of Philadelphia, went shoulder to shoulder for internal improvements, while the improving county of Adams went against them, and the representatives from Franklin likewise. God forbid that he should reproach the representatives of Adams for voting as they did.—They, no doubt, did what they considered their duty, and the representatives of the city did the same. He was sorry to be obliged to refer to these things—he wanted nothing to do with such matters; but he had been forced to it in self defence. But what shall we say to the charge of the gentleman from Adams, that the city and county have united against the country interests? Here the city representatives were for the county interests; and the great agitators from the county, as they have been called, against them, together with the representatives of the county of Adams and Franklin. The vote given by the county delegation, was given on the ground of party, or rather pique, from a defect of their candidate for speaker. That election was made in reference to the future, and was made between two aspirants for the office of Governor. He appealed to his friends in the south-west, who were members at that time, for some of them were here, to say whether these were not facts, and whether they considered the city of Philadelphia their enemies at that day. The city delegation voted for this improvement, not for the benefit of their own city—for the work pointed to Baltimore—but from that spirit of liberality, which he was proud to say, distinguished the commercial metropolis of the State. They supported the interests of the north-west, and dared to support a candidate from that section of the State, when their rival was near them. They supported that
candidate, when support was necessary, against one from the county of Philadelphia, and that candidate is now in the Governor's Chair, going hand in hand with the gentleman from Adams, whose influence he now uses against the city of Philadelphia on this floor. The gentleman from Adams has probably been imposed upon, in relation to the course of the city of Philadelphia, as he would never have reiterated the charges that have before been made against him for sinister purposes. The city members did not write out their own speeches, and the journals no one reads; while the speeches of their opponents were published; and although the gentleman was never a democrat, yet he has probably been made to believe the assertions that have been made for political effect against the city of Philadelphia.

The city members have also been charged with hostility to the Baltimore and Ohio Rail Road. He acknowledged that he had voted against that bill, and that had been called to the bar of the House. He was, undoubtedly, expected to explain. He acknowledged no exercise of his great powers. Anxious to accomplish his object, and every other; yet, as it was expected that he would explain, he would do it. This rail road was intended to connect the city of Pittsburgh with the city of Baltimore. It was for the benefit of a rival city, and inasmuch as it was a privilege asked by a foreign corporation, the city members, and he was one of them, asked but the poor compensation of having the privilege of constructing a branch at the east end, through the southern counties. We were denied this privilege, and voted against the bill, yet no one called us illiberal. Did any gentleman suppose, that he was ashamed of that vote? For his part, he never regretted it. When the bill was before the house, Mr. Lehman, a man well known among the friends of improvement, offered an amendment, to prevent the company from giving advantages to others over Pennsylvania, which amendment was carried by the members from the city; the vote being Ayes 47—Nays 42. The preamble to the bill was afterwards amended on motion of Mr. Porter, by inserting a clause declaring that the Legislature relied upon the generosity of Maryland, to allow them to make a rail road through our own territory, to connect with theirs. He could not vote for a bill with such a humiliating clause in it, and the whole city delegation, except Mr. Lehman voted against it. Mr. McSherry also voted against it, and, according to his judgment, so did he. This was all that he had to say in reference to his vote on this bill, and he was not ashamed of it.

Mr. Meredith then concluded his remarks by asking, why it is that my constituents are thus assailed? Why am I thus set upon? I have not attacked any man's constituents. I have not assailed any man's projects. Why is it that I am compelled to take part in a contest against my will—for which I have no relish, and in which I am altogether inexperienced? I hoped to be allowed, calmly and quietly, to deliberate upon, and devote my humble efforts to the important subjects which claim our attention here. But that has been denied me. I feel, sir, that I am excited, and surely it was high time to arise in self defence. For, sir, it cannot be expected, that, like the Spartan feel, I will quietly sit here and hug them to my bosom, while thy "GREAT UNCHAINED" from Adams, having pounced upon me like a Catamount, is raging at my throat, and my vulpine friend from Franklin is gnawing at my vitals! Sir, I acknowledge that the gentleman from Adams is my superior in party tactics. His talents are certainly very extraordinary. Indeed, I may say, I never have seen his equal in these small matters. He displays peculiar tact in drilling others, and keeping them in place to further his views in party discipline. He has no equal in these matters. Then why not confine himself to the field in which he has no rival? If I rightly remember, at the commencement of the session, his great talent was signalized in the party drilling which took place in the appointment of officers. While he managed, to and fro, to prevent the appointment of a deputy or assistant door-keeper, and thus save something for the Commonwealth, the enemy stole a march upon him from the other side of the House; and whereas, instead of electing only two Secretaries, from some cause or other we have six—but, sir, in this instance, he is wonderfully out of his place! In the exercise of his great powers—sanguine to accomplish his object, and accustomed as he has been to drill—he mistakes the yellow cotton knots upon his shoulders for gold—imagines his hubbard is a baton—proceeding to the accomplishment of his objects, commands us to the performance of evolutions of his own invention, and giving the order to "shoulder arms," claims in obedience a "point," to us altogether new, and heretofore unknown. Sir, for one, I venture to dispute his authority—convince him of his rank, and hold myself to disobey.

Mr. KERR said, that during the discussion, he had been at a loss to judge what had turned the gentleman from his usual temperate course. Nothing in the gentleman's remarks, or in the temper in which they were uttered, should provoke him; and he appealed to all that, in his course here, he had ever employed any personality, except in self-defence. He had said, and he repeated it, that the city and county of Philadelphia, assembling a large population, on a small area, created an extensive influence under the present system of representation over the State, and used that influence to their own advantage. But what was there in this that could be taken as a personal reflection upon any gentleman? He had said, that, on the question of the Chesapeake and Ohio canal bill, was correct. The impression left on his mind was, that the course of that gentleman was, at the time, very favorable to internal improvements generally.

Mr. STEVENS said, that during the discussion, he had been at a loss to judge what had turned the gentleman from his usual temperate course. Nothing in the gentleman's remarks, or in the temper in which they were uttered, should provoke him; and he appealed to all that, in his course here, he had ever employed any personality, except in self-defence. He had said, and he repeated it, that the city and county of Philadelphia, assembling a large population, on a small area, created an extensive influence under the present system of representation over the State, and used that influence to their own advantage. But what was there in this that could be taken as a personal reflection upon any gentleman? He had said, that, on the question of the Chesapeake and Ohio canal bill, was correct. The impression left on his mind was, that the course of that gentleman was, at the time, very favorable to internal improvements generally.
his malevolence. He, unfortunately, is a votary and tool of the "Handmaid," and feeds and renews the injury which she has sustained. I have often before endured such assaults from her subjects. But no personal abuse, however foul or ungentlemanly, shall betray me into passion, or make me forget the command of my temper, or induce me to reply in a similar strain. I will not degrade myself to the level of a blackguard to imitate any man, however respectable. The gentleman, among other flattery, has intimaded that I have venom without fangs. Sir, I need not that gentleman's admonitions to remind me of my weakness. But I hardly need fangs, for I never make offensive personal assault, however I may sometimes, in my own defence, turn my fanged jaws upon my assailants with such grip as I may. But it is well, that with such great strength, that gentleman has so little venom. I have little to boast of either intemperance or in manners. But rustic and rude as is my education, destitute as I am of the polished manners and city politeness of those gentlemen, I have a sufficiently strong native sense of decency not to answer the arguments of my opponents by low, gross, personal abuse. I sustain propositions here which I deem beneficial to the whole State. Nor will I be driven from my course, by the gentleman from the city, or the one from the county of Philadelphia. I shall fearlessly discharge my duty, however low, ungentlemanly, indelictent, personal abuse may be heaped upon me, by malignant wise men, or gilded fools.

The question being on the amendment offered by Mr. Stevens, to amend by inserting a clause providing that no county should have less than one, or more than six representatives; it was taken, and the motion was negatived. The question being next on the amendment offered by Mr. Hamlin of M'Kean.

Mr. STERIGEREE spoke at length on the subject. The argument had proved that the new counties ought to have a separate representation. There was no mode of distribution which had been suggested, which would carry out the principle of representation laid down both in the Constitution of '76 and that of '90, so thoroughly as his proposition, which the gentleman from M'Kean had adopted. The theory of the provisions of the Constitution had not been carried out, & the representation had not been made as nearly as possible according to the number of taxable persons. He gave some prominent instances of this by referring to the apportionment of representatives, at different times. He showed that, by the last apportionment, in several instances, one county had been allowed two members, on a number of taxable inhabitants which gave but little more than two thousand to each, and that several other counties, having upwards of four thousand taxable inhabitants, had been allowed only one member each. Thus the provision of the Constitution, and the doctrine of representation according to the number of taxable persons, had not been carried out practically.

By all the apportionment which had been made, additional members had been allowed to some counties on fractions of a ratio. At the last enumeration, an additional member had been given to some counties on a number of taxable inhabitants smaller than some of the small counties contained, and a member denied to those small counties. Thus, for instance, had more taxes than the most of these fractions contained, but was not allowed a member for them, although better entitled to one than the other counties were which got them, according to this favorite doctrine, and the words of the Constitution.

It had been argued that these counties came into existence under the restriction that they had no right to have a separate representation till their numbers entitled them to it. This was rather a delicate doctrine, and we should beware how we allowed it to influence our minds. We all have talked about shortening the terms of some officers, who had received their offices under provisions which, on this principle, would entitle them to hold them without limitation. The project of the gentleman from Lycoming he did not think a good one; for he proposed to give each of the new counties one member, and an equal share, according to population, in the distribution of the remaining forty-six members. This was more than they asked, and more than could be granted to them, without doing injustice to other counties. They would be perfectly satisfied with one member, to represent their county interests. One injustice done under the present system was this: to make a small county to a large one, and thus enable the two to elect two members, giving the large county the power, if they chose, to elect both of the members, leaving the small county unrepresented.

Mr. Dickey said, he was opposed to the principle of representation of territory. If it is adopted, it must be grounded on square miles, or on value of property, or improved territory. If it was by the latter, the city and county of Philadelphia would have a still larger representation than they now had. No basis could be found as fair and just as that of taxable population. In no point of view in which the subject had been presented, would there be any thing gained in equity by adopting a territorial basis.

Mr. COX opposed the amendment. If one member was given to each county, there would be forty-six left. Eight of the small counties had an aggregate number of taxable persons of 9,457 taxable inhabitants, and have eight members; while 6 counties, with 10,000 taxable inhabitants, would have but two members. The county of Montgomery, with 9,733 taxable, would have one member, and her distribution share would be one member more. So, Montgomery would have two members, and M'Kean, with only 400 taxable, would have one. He did not think that basis would be just.

Mr. STERIGEREE said, the gentleman had entirely misapprehended the proposition. He had made it out that, by subtracting fourteen members from a hundred, we should reduce the number to forty-six. If we were to have one hundred members, taking off fourteen for the 14 small counties, there would be eighty-six members to be distributed among the remaining counties, according to their taxable population. I had made a calculation on the last enumeration, and found that the ratio would not be much increased, and no county which had been allowed a representative as the last apportionment, would lose one under the amendment except those which were not entitled to one on a fraction under the present Constitution and practice. When the representatives allowed to the small counties were deducted from the whole number, & then their taxes from the number in the whole State, the remaining representatives would be divided.
among the other counties according to their taxables, and whichever had the largest fractions, would get the additional members on fractions as they now did.

Mr. COX replied, and reinforced his previous argument by detailed calculations.

Mr. STERIGERE said, if the language of the proposition was that every county should have a member, and the rest be distributed among all the counties, the gentleman's calculations would be correct. The gentleman's argument assumed for its basis the proposition of the gentleman from Lycoming, which was a different thing.

The amendment was then rejected, and the committee rose, and obtained leave to sit again tomorrow.

The Convention then adjourned.

TUESDAY, June 6, 1837.

Mr. MERRILL, of Union, offered the following resolution, which was read, laid on the table, and ordered to be printed:

Resolved, That the 4th section of the first article ought to be amended so as to be as follows:

Art. I. Sec. 4. Within one year after the adoption of the amendment of the Constitution by the people, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the city of Philadelphia and the several counties, according to the number of taxable inhabitants in each: Provided, that in making such apportionment, the fractions shall be estimated for each member, to which any county may be entitled in proportion to the fraction which shall be necessary in assigning a representation to the least populous county, and shall never be less than eighty, nor greater than one hundred.

Mr. EARLE, of Philadelphia county, offered the following resolution, which was read, laid on the table, and ordered to be printed:

Resolved, That the 4th section of the first article of the Constitution be amended by striking out all after the word "law" in the fourth line, and inserting the following, viz:"

The number of representatives shall, at the several periods of making such enumeration, be apportioned by the Legislature in the following manner, viz: one hundredth part of the whole taxable population of the State shall be taken as the ratio of representation; each representative district shall be entitled to as many representatives as it shall contain number of times the representative ratio aforesaid, together with an additional representative for any surplus or fraction exceeding one-half of such ratio: Not more than two counties shall be united to form a representative district; nor shall any two counties be united, unless one of them shall contain less than one-half of the said ratio, in which case such county shall be united to that adjoining county which will render the representation most equal. No county shall be divided, in forming districts, except that the city of Philadelphia shall constitute a separate district.

Mr. BROWN, of Northampton, obtained leave of absence for a few days.

Mr. BAYNE offered the following resolution, which was read, laid on the table, and ordered to be printed:

Resolved, That the rules of this Convention be so altered, that no delegate be permitted to speak more than once to any question, either in committee of the whole or in convention, except to explain, or on leave by the committee or convention.

Mr. MARTIN obtained leave of absence for a few days from to-morrow.

Mr. READ offered the following resolution, which was read, laid on the table, and ordered to be printed:

Resolved, That so much of the 23d rule as forbids the previous question in committee of the whole, be and is hereby rescinded.

FIRST ARTICLE.

The Convention resolved itself into a committee of the whole, Mr. PORTIER, of Northampton, in the Chair, and resumed the consideration of the reports of the committee on the first article.

The committee having reported that it is inexpedient to amend the fourth section of the first article,

Mr. STERIGERE moved to amend the report of the committee so as to make the fourth section of the first article read as follows:

Sec. 4. In the year one thousand eight hundred and thirty-eight, and in every seventh year thereafter, an enumeration of the taxable inhabitants shall be made in such manner as shall be directed by law.

The number of representatives shall be one hundred, and shall at the next session of the legislature, after making such enumeration, be apportioned among the city of Philadelphia and the several counties.

At every apportionment each county now erected, which shall then be organized for judicial purposes, shall have at least one representative; and after assigning one representative to each county so organized, which shall then not contain the one hundredth part of the taxable inhabitants of the State, the remaining representatives shall be apportioned among the city of Philadelphia and the other counties, according to the taxable inhabitants contained in each; but no county shall be hereafter erected, unless a sufficient number of taxable inhabitants shall be contained within it to entitle them to one representative. No two or more counties, entitled to a representative, shall be connected to form a district, nor shall any county entitled to one representative or more, be allowed an additional representative, nor any number of its taxable inhabitants, less than one half of the one hundredth part of all the taxable inhabitants of the Commonwealth.

Mr. DARLINGTON moved to amend the amendment by striking out all after the words "100 and" in the first line, and insert the following:

"Forty-two, and in every seventh year thereafter, an enumeration of the taxable inhabitants shall be made in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the city of Philadelphia and the several counties, as necessary. It adapted the Constitution to the existing state of things, and would meet the views of the Committee, who had recommended that no change should be made in the provisions of the constitution on this subject."
Mr. PURVIANCE opposed the amendment of the gentleman from Chester as one of form and not of substance.

Mr. DARLINGTON said, if we submitted an amended Constitution to the people, to be voted for as a whole, his proposition would according to the number of taxable inhabitants in each, and shall no be less than sixty, nor greater than one hundred.

Mr. D. said his object in offering the amendment was to bring us to the Constitution as it now stands, with such necessary alterations as will adapt it to the circumstances of the times.

Mr. M'SERRERY, of Adams, said he was in favor of the amendment. It was easy to see, by this time, that the Convention was disposed to settle down, as nearly as possible, upon the old Constitution. He remarked that the gentleman from Philadelphia (Mr. Meredith) yesterday supposed himself to be personally attacked here by some remarks made by his colleague and another gentleman; and, in vindicating himself from that supposed attack, he had fallen into the same error which he so strongly condemned in others, by referring to the course of members in past transactions in the Legislature. As the gentleman, in pursuing this course, had introduced his name, and referred to his votes, he felt called upon to offer some explanation of the principles which governed him in those votes. Why he had been single out by the gentleman, he could not tell; but, as he had been called upon to render an account for his public course on some questions, he would do it cheerfully, with the indulgence of the committee.

Mr. M'SERRERY made some further explanations, and replied to some points in the remarks made by the gentleman from Philadelphia yesterday. He had the satisfaction to know that the few votes he had given against plans of internal improvements, were honestly given, and met the approbation of his constituents.

Mr. MEREDITH explained that he had no personal reference in his remarks to the course of the gentleman, or of those whom he had mentioned as having acted with him. He had referred to those votes as an illustration of his argument: they were material to his argument.

Mr. M'SERRERY made some further explanations, and replied to some points in the remarks made by the gentleman from Philadelphia yesterday. He had the satisfaction to know that the few votes he had given against plans of internal improvements, were honestly given, and met the approbation of his constituents.

Mr. MEREDITH expressed his regret that the gentleman from Adams should now, for the first time, have imagined that he had exhibited any want of respect for him. Though his reference to the votes in the legislature, on certain questions, was material to his argument, yet he would have abandoned the argument had he imagined that it would have wounded the feelings, or been construed into any disrespect of a gentleman, with whom he had been so long associated on the most friendly footing, and whom he held in the highest estimation.

Mr. STEIREGERE offered a brief explanation of his amendment, which, he said, was free from the objections urged against it yesterday.

Mr. BELL said he should vote against the amendment offered by the gentleman from Montgomery: but, as the amendment offered by his colleague was in conformity with the provisions of the present constitution, it had his approbation, and he should vote for it.

Mr. FULLER hoped the amendment would not prevail, and said he believed it was conceded on all hands, that the present distribution of representatives was unfair. The project of the gentleman from the county (Mr. Earle,) came nearer to justice than any other that had been suggested, and he hoped he would offer it as an amendment instead of a resolution.

Mr. READ had, he said, intended to submit an amendment with a view to meet this difficulty: but, upon examining the plan of the gentleman from Chester (Mr. Earle,) he found that it was founded upon population alone, as a basis, and was, in every respect, perfectly fair and just; destroying, entirely, the system of gerrymandering, that had heretofore prevailed. He should, himself, adopt that proposition, and he hoped it would meet the views of the Committee.

Mr. Dickey said, the proposition referred to was not before the committee; but, if he understood it, it was very similar to the proposition of the gentleman from Chester. If we submitted to the people, unentire, engrossed, amended Constitution, the amendment of the gentleman from Chester ought to be adopted. It gave the new counties a fair representation, according to their population.

Mr. Banks said, by polishing this article, and piling unnecessary amendments upon it, nothing could be gained. No new principle demanded by the people was proposed by this amendment; and when no good was to be done by a change, he would let well enough alone.

Mr. READ said, the idea of the gentleman from Beaver was correct, and the introduction of the amendment of the gentleman from Chester, would have the effect that he had supposed. If we consulted a month, we could find no better project than that of the gentleman from the county of Philadelphia; but, if that could not be obtained, he would be in favor of adopting the amendment of the gentleman from Chester.

The motion of the gentleman from Chester (Mr. Darlington) was disagreed to.

Mr. Earle then moved to amend the amendment by substituting for it the following:

"That the 4th section of the first article of the Constitution be amended by striking out all after the word "law" in the fourth line, and inserting the following, viz:

'The number of representatives shall, at the several periods of making such enumeration, be appoinited by the Legislature in the following manner, viz: one hundredth part of the whole taxable population of the State shall be taken as the ratio of representation: each representative district shall be entitled to as many representatives as it shall contain number of times the representative ratio aforesaid, together with an additional representative for any surplus or fraction exceeding one-half of such ratio: Not more than two counties shall be united to form a representative district; nor shall any two counties be united, unless one of them shall contain less than one-half of the said ratio, in which case such county shall be united to that adjoining county which will render the representation, most equal. No county shall be divided in forming districts, except that the city of Philadelphia shall constitute a separate district."
CONVENTION PROCEEDINGS.

(Continued from Thursday.)

Mr. EARLE said, the main object of this amendment was to carry out the principle of representation by population, and to extend an equal representation to the small counties. It would prevent any complaint of unfairness in relation to small counties; and it would thoroughly abolish the practice called gerrymandering—that is, carving out a district with a view to political effect. There could be no doubt that every man who loved fairness would approve of the object of the amendment. The term gerrymandering, he said, arose in Massachusetts under the administration of Governor Gerry. The party to which he (Mr. Earle) was attached, made a district for party purposes, running all around a county. The queer form of the district was so striking that a new name was given to it, and was called a Gerrymander. It had the effect to turn out of power the party which made it.

Mr. MERRILL said, the theory of our government was that every member of the House of Representatives should, as nearly as possible, represent the same number of taxables. He had submitted a plan with this object, this morning, which he now gave notice that he should offer, as an amendment, on the second reading. He would prefer to have the whole State cut into one hundred districts, without regard to county lines, to having the districts unequally represented. By the disposition of the fractions which he had proposed, the present and increasing inequality of representation would be avoided. He hoped the gentleman from the county would suffer his amendment to lie over until it was printed, as there was always a difficulty in understanding the exact bearing of a proposition of this sort, from merely hearing it read. He thought the gentleman's proposition would operate too much in favor of the large counties.

Mr. FORWARD asked the gentleman to explain, whether by his proposition a greater number than 100 members would be required.

Mr. EARLE said, that, according to his estimate, the number would be one hundred and one.

Mr. FARRELLY said, under the amendment, the number of representatives would be fluctuating; and would exceed one hundred. The proposition, he thought, was bad in principle. The true theory was in the former practice, to give a representative to the largest sections. The only difficulty was in giving a representative to small counties, which had not a full ratio. The only thing to be done was to consider the population of a small county, if less than a ratio, as a fraction, and allow a representative for it. There would be no difficulty in engraving this principle upon the Constitution.

Mr. SMYTH, of Centre, said the mode laid down by the gentleman who had just taken his seat, met with his approbation to some extent; but still there was a difficulty in it which he could not get over. The county of Centre, and the other counties entitled to one member, might have eight hundred taxables over the ratio for one member, and still not be entitled for their fraction to an additional member; while a county with eight members, and a fraction of only two or three hundred taxables to each member, would be entitled to an additional member. This was an objection to the present system, which he wished to see obviated.

Mr. STERIGERE said it was plain, that the proposition of the gentleman from the county would give more than one hundred members.

Mr. MERRILL said, it must now be evident to every one, that the amendment of the gentleman was understood differently by different members; and he hoped the gentleman would suffer it to lie over for the present, until it was printed.

Mr. FORWARD said he should like to see the amendment in print, before he decided upon it. He did not like the idea of a fluctuating number of representatives.

Mr. FARRELLY explained, and advocated the plan which he had before suggested. The gentleman could not say that it was impracticable; for he had not yet submitted the details by which he expected to carry it out.

Mr. READ said, this day commenced the sixth week of the session, and now, for the first time, a subject of some real importance was brought before us; and he hoped it would not be abandoned, until the committee had taken more pains to understand it. It was agreed that the basis should be population, and the only difficulty was in applying it in a way that would be equal and just. The counties A, B, C, might have each a large fraction, and the smaller counties D, E, F, might have each a fraction; but the Legislature could, in this case, as they had done before, connect the three small counties together, in order to throw three additional members, for political effect, into the three large counties. He pointed to several instances of flagrant injustice done under the present system. At
one apportionment, Bedford and Bradford had each large fractions that of Bedford a little the largest, and there being but one member of the hundred left to be distributed, the question was, which should have it. The Legislature gave it to Bedford, because, at the time, they were politically more pleased with that county than the other.

Take another case: The county of Lancaster, with five members, had a fraction of three hundred for each member, and the county of Bradford had a fraction of seventeen hundred. But the Legislature, for political motives, gave the floating member to Lancaster, instead of Bradford, though the members from Lancaster themselves condemned it as an act of injustice. Mr. Sill said that, perhaps, at the next apportionment, the ratio of Bedford a little the largest, and there being but one member, it would be larger, and then it would be difficult or impossible to carry the plan into effect. He wanted to have an opportunity for examining the scheme and deliberating upon it. A gentleman near him, in whose accuracy he confided, had made out the number of representatives, under this scheme, to be one hundred and five, according to the present apportionment.

Mr. Chambers said, the difficulty here had always been, that the Convention, instead of forming outlines, attempted to carry out all the details of legislation for the country. It had been alleged as a reason for interfering with this subject, that the legislature had abused the confidence reposed in it. Mr. Chambers said, the duty here had always been, that the allegations were unfounded; that no injustice was done; and that the returns from one of the districts in the favorite county referred to, had been omitted. He was certainly not in favor of legislating for political effect, whatever party might control the legislature; but here, in forming a government for all parties, and for all time, we must necessarily repose confidence in the legislature, and leave it to them to carry out the principles which we establish. There was a difference of opinion in regard to the number of representatives which the proposition of the gentleman from Philadelphia would give us; but after the decided vote against any increase of the number of representatives, no proposition would increase the number could prevail. Again, he said, there was a difficulty in regard to the fractions. There were not more than five or six counties with fractions of more than half a ratio. So the proposition provides only for a portion of the fractions. To allow for the largest fractions, ought to be the rule, and he hoped it was not taken. There might be some inconvenience in the present system; but it was not for the Convention to legislate for inconveniences. He was inclined to leave the Constitutional provision unaltered, or on this subject, and leave it for the legislature to make any necessary change of details.

Mr. Chamberz said it was his duty to interfere, and prevent the reference to particular acts of the legislature.

Mr. Dickey know no better rule, he said, for the apportionment of the present one. He proceeded to remark on the mode in which the legislature had heretofore extended their power over this subject when the Constitutional provision unaltered, or on this subject, and leave it for the legislature to make any necessary change of details.

Mr. Read had not, perhaps, been sufficiently explicit in his statement. The fraction of three hundred, which he allowed to Lancaster, was obtained by dividing the fraction of fifteen hundred by the number of representatives of the county, which was five; and that, as he contended, at the time, in the Legislature, was the only correct mode of estimating the fraction. The committee had been told by the gentleman from Somerset, that the allegations were unfounded; that no injustice was done; and that the returns from one of the districts in the favorite county referred to, had been omitted. He was certainly not in favor of legislating for political effect, whatever party might control the legislature; but here, in forming a government for all parties, and for all time, we must necessarily repose confidence in the legislature, and carry them out in all their applications. We must necessarily repose confidence in the legislature, and leave it to them to carry out the principles which we establish. There was a difference of opinion in regard to the number of representatives which the proposition of the gentleman from Philadelphia would give us; but after the decided vote against any increase of the number of representatives, no proposition that would increase the number could prevail. Again, he said, there was a difficulty in regard to the fractions. There were not more than five or six counties with fractions of more than half a ratio. So the proposition provides only for a portion of the fractions. To allow for the largest fractions, ought to be the rule, and he hoped it was not taken. There might be some inconvenience in the present system; but it was not for the Convention to legislate for inconveniences. He was inclined to leave the Constitutional provision unaltered, or on this subject, and leave it for the legislature to make any necessary change of details.

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Mr. Chamberz said it was his duty to interfere, and prevent the reference to particular acts of the legislature.

Mr. Dickey continued. The representation was given, in the case of the Lancaster and Bradford dispute, referred to by the gentleman from Susquehanna, to the largest fraction, according to the Constitutional provision. But the loss was made up to Bradford in the Senatorial representation, a Senator having been allowed to Bradford and Susquehanna, through their taxable population was but a third over eight thousand. As he believed it was now settled that we should...
have but one hundred members, he thought we could have no better rule than that of the present Constitution. We must leave the details to the wisdom and honesty of the legislature, and though they were sometimes a little warped by party feeling, and always would be, it was, perhaps, of little consequence. If they undertook to Gerrymander too much, the people would check them.

Mr. SERGEANT (President) said, much of the difficulty in this discussion arose from what very often occurred—from pushing a right principle farther than was proper, to a point that was not attainable, or if attainable, not desirable. The proposition before us was just in itself, but not to the extent to which it was applied. It was true that the basis of representation was the number of people; but it was not true that we could make this basis as perfect as it was aimed to be, and the question here arose whether the basis which we now have, and upon which our representation has always stood, is not better.

If we looked to the history of the Commonwealth, we should find that its representation always has been, as it now is, based upon counties. The question is, whether we should alter the Constitution in this particular, because we cannot distribute the representatives among the several counties as to avoid fractions? He knew of but one way to avoid fractions, supposing the number of representatives to be one hundred; and that was, to divide the whole taxable population by that number, and, in that way, get a ratio. Then, as to the application of the ratio: we must either divide the whole population into one hundred districts, without regard to county lines, and elect each representative by the people of those districts, or we must take the counties and Gerrymander them. These were the only two ways in which we could avoid fractions. The only perfect way of representation was by districts, without regard to county lines; but, in order to adhere to the representation of counties without fractions, we must look through the State for a piece to fill up the vacancy, as in those ingenious devices which are the amusement of grown persons as well as childhood, the only way to do it was by Gerrymandering. The question then is, whether we had better have a representation, strictly and to the letter a popular representation, or one adapted to the habits and wants of counties and cities, considered as communities? The Constitution adopted the latter plan, and had provided that the representatives shall be apportioned among the several counties.”

He said that it was not improper to limit the number of representatives, if it was necessary. William Penn guaranteed a free and popular government to the people of Pennsylvania, and founded a great town in which the people of the colony had an interest, thereby connecting his city with his commonwealth. He hoped that they ever would be disconnected. William Penn was a wise man, for he has tested the wisdom of the institutions which he founded. He is a practical man, and this, too, proved his wisdom. John Locke, so was a great man, one of those—by a constitution, on the principles of philosophy, which was tried and found too theoretical, and was abandoned. This is an example that constitutions formed in the closet, if not done, they must be suited to the wants and habits of the people. The most true popular basis for representation of the whole State in theory, a general ticket, where no fractions are unrepresented, is the people have been accustomed to act in separate communities, in the transaction of their local business, their wants and wishes can be better represented on the present basis, with all its imperfections. Take, for instance, a county—it is the centre of a community, where is located their court of justice. Here are the county offices and the county records—the records of the evidence of their titles to property. Here the people resort; jurors and witnesses mingle with each other, and become acquainted. Here is the administration of justice: This makes them one community, not only in interest but in feeling, and the candidates that they vote for, are personally known to the people. But the people of different counties, although adjacent, turned their faces different ways, like the worshipers to the tomb of Mahomet, sought one common object. A county might be an agricultural county; they would then choose one to represent that interest. The city of Philadelphia, where the people are engaged in commerce, would select one for the commercial interest; and the city of Pittsburgh, which was renowned for the great extent of its manufacturing, would send a representative, no matter what might be his profession, who would advocate the interests of the manufacturers. But you cannot choose your representatives by counties, without losing fractions, or by Gerrymandering.

Now, the question is, will you leave it to the Legislature to exercise their discretion, and apportion the representatives as the population may vary, or will you tie up their hands? The Legislature have generally done right. It is true, that they had sometimes given advantages to their own party; but in this state, it had not done much harm; for not knowing to-day what the situation of parties will be to-morrow, they do not know which party has the advantage. It is true, that we have heard that the Legislature of Ohio did great injustice in apportioning the representatives of that state; but this had never been the case in Pennsylvania to any considerable extent.

The Governor was elected by the whole people, and represented the whole people in the appointment of the county officers. These officers were, therefore, appointed on the pure population basis. But it was the intention of many to alter this basis, and to elect them by the counties. Now, the question was, shall we alter the basis on which the county officers are chosen to a district basis, while we are drawing nearer the population basis for representatives? He doubted whether the representative basis could be altered much for the better.

Mr. READ replied to the argument of the gentleman from Franklin, (Mr. Chambers.) He said that his argument, if it proved anything, proved too much, and consequently proved nothing. Those who formed the present Constitution, had good reasons for their several restrictions contained in it. If it was now wrong to restrict the Legislature, as is proposed by this amendment, was it not wrong for the Convention of 1790, to restrict the Legislature, so that no two counties which were separate should be put together? And that no county should be divided? These restrictions were made, because it was thought that the power might be abused. It was not then foreseen that Gerrymandering could be done. If, therefore, the Convention of 1790, were right in laying down specific rules in two cases, was it not right for this Convention to lay down a rule to restrain what had been found an evil? It certainly could not be, and
therefore the argument of the gentleman from Franklin, against restricting the Legislature, fell to the ground.

The argument of the President, in reference to separate communities, went to enforce the amendment, as it would lessen the number of counties which could be joined together. He admitted, that the principle of a representation upon a population basis, could not be carried out in full—there would be fractions; but this amendment was for the purpose of giving a representation to the fractions, as far as was practicable.

Mr. CLEAVINGER remarked, that the details of the government were founded in practice, and not in theory. We had never lost sight of the community principle in Pennsylvania. It was also recognized in the Constitutions of the several States, and in the government of the Union. Whenever any new project was brought forward, he should vote against it, unless he saw the practical effect— he would take nothing upon theory. By looking at the map, it would be seen that the eleven counties which now had no representatives, could gain nothing by the amendment. They could not be joined without jumping over whole communities; so that, although the amendment seemed to be plausible in theory, it could not be carried out in practice.

Mr. EARLE supported his amendment at length; but at the conclusion of his remarks withdrew his amendment for the present. A sketch of the debate, until the time of the adjournment, is as follows:

Mr. EARLE then renewed his motion of Mr. Farrelly, when it was negatived.

Mr. FARRELLY then offered the following amendment, and supported it on the ground that it would carry out the principle of representation upon a population basis, as far as practicable:

"To strike out from the eighth and ninth lines the words "each county shall have at least one representative," and insert in lieu thereof, "Each county, the number of whose taxable inhabitants shall not equal to or more than one-half the ratio of representation, shall, whenever practicable, have at least one representative. Two or more adjoining counties, neither of which has a number of taxable inhabitants sufficient to entitle it to a separate representation as the aggregate number of taxable inhabitants may entitle them to. A county with less number of taxable inhabitants than half the ratio of representation, shall be annexed to each of the adjoining counties as the Legislature may deem most just."

The vote being taken, the motion of Mr. Farrelly was disagreed to.

Mr. EARLE then renewed his amendment, which was as follows:

"The number of representatives shall, at the several periods of making such enumeration, be apportioned by the Legislature in the following manner: viz: one hundredth part of the whole taxable population of the State shall be taken as the ratio of representation; each representative district shall be entitled to as many representatives as shall contain the number of times the representative ratio aforesaid, together with an additional representative for any surplus or fraction exceeding one-half of such ratio: Not more than two counties shall be united, unless one of them shall contain less than one-half of the said ratio, in which case such county shall be united to the adjoining county, which, by such union, will render the representation most equal. No county shall be divided in forming districts, except that the city of Philadelphia shall form a separate district.

The vote being taken, the amendment was negatived.

Mr. READ moved to amend the section by striking from the first line the word "three," and inserting in lieu thereof the word "one;" by striking out in the third line the word "taxable," and also in the seventh line the word "taxable," and by striking out all after the word hundred in the eighth line.

Mr. READ supported the amendment on the ground, that an enumeration should be made as soon as possible; and also, on the ground, that the basis should be "population" and not "taxables."

Mr. BELL moved to amend the amendment, by striking from the first and second lines of the second section, the words—"within three years after the first meeting of the General Assembly," and inserting in lieu thereof the words—"in the year one thousand eight hundred and forty-two."

The vote being taken, the motion of Mr. Bell was lost.

On this last amendment, a question arose whether the Constitution should be submitted to the people as a whole, or in separate amendments, in which Messrs. Read, Sergeant, Forward, Bell, Purvis, Denny, Woodward, and Agnew participated.

On motion of Mr. Clarke, of Indiana, the committee rose, and the Convention adjourned.

WEDNESDAY, JUNE 7th, 1837.

Mr. FOULKROD presented a memorial from sundry citizens of the county of Philadelphia, on the subject of banks and currency laid on the table.

Future Amendments.

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

Resolved, That the rules of this Convention be so changed, that the amendment reported by the committee to establish a mode by which future amendments to the Constitution may be made at the desire and by the act of the people, shall be the first order of business every day after the reading and consideration of the Journal, on the same shall be finally disposed of; so that the action of the Convention thereto may be submitted to the people at the ensuing general election.

He said that it was the expectation of the people that the Convention would submit to them an amended Constitution, to be voted at the October election; but as that was now out of the question, he proposed this resolution, in order that something would be done at an early day; and he considered this as one of the most important provisions. The resolution lies one day.

Mr. LONG, of Lancaster, obtained leave of absence for a few days.

Mr. BROWN, of Philadelphia county, obtained leave of absence for a few days, from to-morrow.
Mr. READ called for the second reading and consideration of the following resolution, which he offered yesterday:

Resolved. That so much of the 23rd rule as forbids the previous question in committee of the whole be and is hereby rescinded.

Mr. Read said, the thirst for debate here and the disposition to wander from the subject under discussion, made this proposal change necessary. Without this change, we might go on for months with the discussion without arriving at any satisfactory results.

Mr. DARDINGTON moved to amend the resolution by framing it in a provision that no member in the committee of the whole should speak more than twice on the same question.

Mr. READ accepted the amendment as a modification of his resolution.

Mr. DICKEY opposed the resolution as going to cut off or restrain the right of discussion: it was equivalent, in his opinion, to a gag-law, and, in order to see who was that wished to shut our mouths, he demanded the yeas and nays on the resolution.

Mr. BELL said, it may be necessary to place some limit to the exercise of the talent which, fortunately or unfortunately, abounds here in an unusual degree. It was certainly not more important that the full discussion should take place in the committee of the whole, where no final action could take place, than in the Convention, where each question was to be finally disposed of. There prevailed here a feeling of restlessness and impatience in the continuance of long prolix discussions. He was called upon, this morning, by a respectable gentleman, to move that the Convention adjourn sine die, after the adoption of the provision for future amendments, for the reason that an precedent was the practice of the House: but he believed, that a habit of remaining here until the middle of July—to go home without doing anything, exposed to the ridicule and scorn of our constituents.

Mr. DICKEY said, the committee of the whole was the proper place for discussion, and there every thing would be matured. After getting through the committee, his word for it there would be little delay on the second reading.

Mr. COX moved to postpone the further consideration of the resolution for the present.

Mr. MEREDITH expressed his regret that any circumstances should induce the gentleman to offer a proposition for the restriction of debate in the committee of the whole. Coming here without concert as to the precise alterations to be made, it had been found that there were in this body no common views as to the precise character and extent of the amendments that we should make. He believed, however, that there was a prevalent disposition to adopt a provision for obtaining future amendments. After doing that, he submitted whether it would not be better for the Convention to adjourn. If we adjourned to the next fall, we should be interrupted by the meeting of the legislature if we sat through the summer, it would put to great inconvenience the gentlemen from the agricultural counties; and if we adjourned to meet in the spring, we should have no better prospect of coming to any satisfactory result than we now have.

Mr. STERIGERE said, the proposed remedy did not meet the evil. If a gentleman was limited to two speeches on a question, he might be induced to speak four times as long as he otherwise would do, and the colloquial discussions which were the most profitable, would be abolished. To submit a proposition for future amendments to the people, without making any alterations, would not meet their expectations. If one or two amendments were required, this would answer; but as there were so many amendments, it would take 20 years to get them in the way proposed. He hoped, therefore, that gentlemen would go on with the business in their own way, and that we should continue to hear the good sense, or bad sense, or nonsense of each gentleman, on every subject. The gentleman who offered this resolution has exercised the privilege of speaking as freely as any one.

Mr. BROWN, of the county of Philadelphia, said: For his part, he did not feel himself coming within the censure contained in the motion of the gentleman from Susquehanna. He had not, he said, brought before the Convention any proposition that had detained it five minutes, nor had he spoken frequently or long; and he was willing to forego any desire he might have to speak, on any proposition he might make, or that might be made by others. He was willing to give a silent vote, if the Convention so determined; and, under any circumstances, two speeches would be found enough for any gentleman to deliver his views on any question. He did not regard the decision of this proposition of much importance, only so far as it might expedite their proceedings at the present time, and bring them to the consideration of those amendments which the people required. The great waste of time, he thought, had been caused by the introduction of subjects for the first time heard here, and which the people had never thought of. If they could, by any process, get clear of these, or decide upon them without debate, they would soon be able to get to the amendments that ought to, and no doubt would be made. Mr. B. said, he could not suffer the opinions expressed by the gentleman from the city (Mr. Meredith) to go unnoticed. That gentleman said no amendments could be agreed upon; he (Mr. B.) begged leave to differ with him. He had no doubt that the Convention would agree upon several important amendments. Taking from the Governor the appointment of officers, and giving the appointment to the people, or where they would be more nearly responsible to them—limiting the tenure of the judiciary—and electing justices of the peace by the people—extending the right of suffrage, and shortening the term of senators, and restricting the legislature in the passage of acts of incorporation, he had no doubt, would be agreed to by the Convention, if it could get these subjects before it. The only difficulty was, they could not get to them; and no member had contributed more to this delay than his colleague (Mr. Earle) who had introduced propositions unheard of before by the people; yet that gentleman had just introduced a resolution to submit to the people a single amendment, and says he despairs of getting any other. This proposition was seized upon by the gentleman from the city, as one that met his appreciation. Mr. D., said he was opposed to any motion that look-
The motion to consider was agreed to, by a vote of 57 to 44.

Mr. DENNY said, his object in calling up the resolution was to ascertain whether the Convention was in favour of taking a recess. Those who had farming pursuits, wished to fix upon such a time as would suit their convenience. If the recess took place at all, they would of course wish it before harvest, in order that they might be at home at that time. They wished to know the sense of the Convention on the subject.

Mr. STEVENS moved to postpone the consideration of the resolution till Monday next; at that time, we could tell whether we should be ready to adjourn or not.

Mr. INGERSOLL said, in regard to the proposition of the gentleman from the city, (Mr. Meredith,) it was out of the question. There were many of us who could not agree to it. He had, however, determined to suggest that a select committee should be appointed to consider and report what business it is necessary for us to act upon. He did not make the motion himself, but merely threw it out as a suggestion.

The preliminary discussions were now nearly over, and the main ground having been broken, there would, hereafter, be very little inclination for any but colloquial discussions. At the same time, it was a curious fact that we had not as yet taken a single vote of any importance. But, after getting to the topics of main interest, he should not be surprised if we went through them in a week without debate.

Mr. FORWARD said there would be no reasonable doubt that the business of the Convention would occupy some two or three months. It was, therefore, necessary, he thought, that gentlemen should say whether they would sit here during the months of July and August or not. If not, then it would be expedient to take up some of the prominent points of the Constitution, in which the people wished amendments, and leave the rest. The subject of executive patronage could, he was persuaded, be disposed of in one week; and the other prominent subjects would be also soon disposed of.

Mr. STEVENS modified his motion so as to move to postpone the consideration of the subject till this day week.

Mr. BIDDLE said, Mr. Chairman—I am in favor of the motion for postponement made by the gentleman from Adams, because, if the resolution offered by the gentleman from the county of Philadelphia be adopted, it will materially affect the time of, and the circumstances attending our adjournment. If the resolution of that gentleman be successful, our duties will be simplified. Ample means will then be placed, within the reach of the people of making, in such manner as they may approve; their future alterations in the Constitution, as in their sovereign wisdom, they may decree. Some gentlemen have said, that we have not yet reached any of the questions in which the people are interested. The misfortune is, that there are gentlemen who seem, to think they reflect the sentiments of the people, and that whatever projects they favor, are equally favored projects with the people. Sir, I cannot discriminate among the gentlemen on this floor, nor admit that any particular gentleman are preeminently exponents of the popular voice. I cannot admit that any amendments have been suggested which are not believed by the
am I prepared to agree with the gentleman who says, that the great
subject on which we are about to be called on to act, have been
already amply debated. Sir, the most important topics have been
only glanced at, and that incidentally. I hold my mind open to
argument, to reflection, to conviction—others, I trust, do so also.
Is there one among us, who supposes that if the present Constitu-
tion contained a provision for its amendment, that we ever should
have been assembled? I think there is none such. Those gentle-
men who are among the most decided reformers have contended that
the amendments called for, are few and simple. If this be so, let us
then continue to live under the Constitution which has been produc-
tive of unnumbered blessings, until the people shall modify it
according to their will, and make the few alterations they require.
We have been told that time has been wasted, and a vast sum of
money expended on our session. Let us then place the whole mat-
ter under the control of the people—let us submit the whole matter
to their wisdom—and having done so, let us be content, resigning
our own trust, to submit to their decision.

Mr. PORTER, of Northampton, said, that he wished the resolu-
tion postponed, at least, until next week. He did not wish an ad-
journment until something was done. He believed it was the policy
of some gentlemen to weary out the members of the Convention, so as
to prevent anything being done; and thus send the Constitution back
to the people without any amendments. That he believed the people
would not be satisfied with such a course. Some amendments were
necessary and ought to be adopted, and the question was, what those
ought to be? For his own part, he was a little like the figure of the man
in the almanac—they pointed at him from all quarters. The ultra
conservatives and he could not agree, because they wanted nothing.
He wanted something. The ultra radicals and he could not agree,
because they wished much more done than he could consent to.
Now, we had better go on for some time, until it was ascertained
what we should be likely to do. With industry we can get through
the first article this week, and then the Judiciary could be taken up.

If the term of the Judges were once settled, then the rest of the
Constitution could be speedily adapted to it, and there would be some
prospect of a termination of our labors. But as we had been pro-
ceeding, members were wasting their strength and consuming their
time on small preliminary and almost immaterial matters. We had
speeches of all sorts, from pop-gun speeches by the dozen, of
long harangues, in these almost interminable discussions, which
profited us but little. Should the object of those who opposed all
amendments be effected by the consumption of time, in these almost
useless debates, until it was found necessary to adjourn for a time,
the people would not be satisfied. They expected something to
be done, and we could not be faithfully executing the power com-
mittted to us, if we did not, at least, pass on all the important features
of the Constitution, through the committee of the whole. He hoped
another effort to do something might be made, and when the result
of that effort could be known, it would be time to act on the propo-
sition to adjourn.

Mr. WOODWARD moved to amend the motion so as to make it
an indefinite postponement. He was opposed to an adjournm ent at
present, and was in favor of going on and completing our work.
He was satisfied that there was a disposition here to fight off any
amendments, and he was surprised to find some gentlemen in favor
of sending the Constitution back to the people untouched, who had
been considered as advocates of radical amendments. The people
of the State had clearly and distinctly indicated the amendments they
wished. He would name one—they required the abolition of the
odious and aristocratic feature of life-offices, and if we could ever
get to that question, he had no doubt it could be carried without a
single speech. The proposition to abandon our duty and impose it
on the Legislature, would not be assented to by him. Gentlemen
might not fancy that the people would be satisfied with this course.
We should prove recreant to our duties, false to our trust, if we did
not go on and act upon those subjects which were the real matters
at issue in Pennsylvania. He submitted whether it would not be
more to our honor to direct our attention singly to the amendments
required by the people, which, as he had before said, were few and
simple, than to dissipate our time, and to dissipate our health in idle
and irrelevant discussions.

Mr. P0W1ARD said, there were two ways of treating a proposi-
tion; one by making it what it was not, and the other by regarding its
import. No one had proposed that the Convention should immedi-
ately adjourn and return the Constitution to the people as we found it;
but the question was, whether we should complete our work, or take
a recess to commence at some future day, to be now agreed upon?
Was it doubted that many were apprehensive that remaining here in
July and August might be fatal to their health? They simply ask
you to say whether you intend to take a recess, & at what period it will
take place. If it is understood that we shall have a recess, he would
prefer proceeding at once to the most prominent subjects of reform,
and acting upon them before our separation. He was not to be un-
derstood as advocating a temporary adjournment. He was not certain
that he would vote for it. But he wished to know when it would
take place.

Mr. CHAMBERS said, he was not now prepared to vote on the
question of adjournment. It was true, much of our time had been em-
ployed in preliminary matters, but that was the case with all deliberative
bodies. After the first impulse to speaking was over, the time for
action came. There had been some days consumed in the discussion
of collateral questions; but these were subjects of interest, which
must necessarily be discussed at some time, and they were discuss-
ations in which gentlemen of all parties took part. He agreed that we
ought to act upon the questions of the Judiciary and official tenure,
but he had no idea that it would be, or ought to be acted on without
discussion and deliberation. He had not seen the distinct indications
of the popular wishes upon those subjects which the gentleman from
Luzerne has spoken of. The provision for further amendments
would be proper; but it would be the finishing work, the last thing
for our action. To act on that before disposing of all prominent top-
ics, would be premature. He was in favor of appointing a commit-
tee to consider what questions we should take up for consideration, and
what time should be fixed for adjournment. And if the motion for postponement prevailed, he would move it.

Mr. EARLE said, he thought it would be perfectly easy to adopt such a mode of proceeding as would enable us to adjourn early in July, after doing all our business. There were certain great principles to be acted on. The first was the tenure of office. How easy it would be to take up that principle, and in two days dispose of it, and send the decision to the committee, to apply it to the various offices. In this manner, by discussing principles, instead of details, we could despatch all the main subjects before us. The mode of appointment—right of suffrage—restriction of the legislature to corporations and lotteries—and future amendments. The provision for future amendment was one of the most important for us to make, and he had thought, and still thought, that we should act upon this provision first. But, he did not propose, as some gentlemen had intimated, to adopt that provision alone, and then adjourn. He was in favor of staying here and acting on all the amendments required by the people.

Mr. DENNY said, though he wished to know the opinions of gentlemen on the proposition for adjournment, he was not himself in favor of adjournment without acting on some questions of amendment. He was to some extent a reformer; but he did not call every alteration a reform; nor was he bound, as the gentleman from the county felt he was, to make certain alterations at all events, whether he thought them necessary or not. He came here to deliberate, and not according to the result of his deliberations. He was surprised to hear the gentleman from Luzerne speak with such confidence of the decisions of the people on these subjects. He did not believe that the people had given us any definite instructions as to what we should do. He was willing to sit here through the dog-days, if necessary, and hear patiently, and discuss fully, and dispose of finally, every proposition that should be brought before us, without adjournment or recess.

Mr. PORTER, of Northampton. Believing, sir, that this question has been discussed long enough, if I can get a sufficient number of gentlemen to join me, I will call for the previous question.

The motion having been seconded by eighteen members. The question being "shall the main question be now put?"

Mr. CUMMIN asked the yeas and nays, which were taken, and the question was decided in the affirmative—yeas 106, nays, 14.

The question then being on the motion to postpone the consideration of the resolution indefinitely;

Mr. WOODWARD asked the yeas and nays; and the question was decided in the affirmative—yeas 68, 52.

Mr. CHAMBERS asked leave to submit a resolution for the appointment of a committee of nine, to consider and report the order in which the business of the Convention shall be considered, and the appointment of days for that purpose, as well as to consider the expediency of fixing a day for the adjournment of the Convention.

The resolution having been taken up on second reading,

Mr. CUMMIN opposed it on the ground that it was unnecessary, and calculated to produce discussion, delay, and derangement of the business of the Convention. The standing committees had reported on the several articles, and those reports were now before the committee, and called for its action.

Mr. SHELLITO spoke in favor of a committee. He thought it was necessary, for the purpose of bringing the subjects before the Convention in their proper order.

Mr. M'DOWELL supported the views of Mr. Cummin, and opposed the appointment of a committee, to derange instead of arranging the business of the Convention.

Mr. CHAMBER thought, the gentlemen were mistaken in the object of having a committee. His object was to facilitate business.

Mr. BELL opposed the appointment of a committee, on the ground of its not only being unnecessary, but that it would introduce confusion into the Convention.

Mr. FULLER opposed it as useless, and concluded by moving to strike out all except the word "resolved," and insert, "that this Convention will proceed to the consideration of the second article of the Constitution:"

Mr. DICKERY moved to postpone the resolution, together with the amendment, for the purpose of proceeding to the consideration of the first article of the Constitution—which resolution was agreed to.

First Article of the Constitution.

The Convention then again resolved itself into the committee of the whole, Mr. PORTER of Northampton, in the chair, on the first article of the Constitution.

When the committee rose yesterday, the question was, on a motion of Mr. Read, to amend the fourth section of the first article, by striking out the word "three," and inserting "one," so that an enumeration of the citizens shall take place within one year. To strike out the word "taxable," wherever it occurs, so that the apportionment of representatives shall be on the number of inhabitants, and not on the number of "taxable inhabitants," and to strike out at the end of the section, the following: "each county shall have at least one representative, but no county hereafter elected, shall be entitled to a separate representation, until a sufficient number of taxable inhabitants, shall be contained within it to entitle them to one representative, agreeable to the ratio which shall then be established."

A division being called for, the question to strike out "three," and insert "one," was lost.

The second part of the amendment to strike out the word "taxable" being under consideration,

Mr. PURVIANCE thought that the question was an important one, and especially as he believed it would give more representatives to the west, than the ratio in taxables. He, therefore, moved that the committee rise. The motion to rise was negatived,
Mr. MERRILL remarked, that if we strike out the word "taxable," it would relieve the State from taking an enumeration of taxable inhabitants, and we could rely upon the census taken by the general government.

The vote being taken to strike out the word "taxable," the motion was negatived.

The other part of the amendment of Mr. Read, to strike out the last part of the fourth section, being under consideration,

"Mr. BELL advocated the amendment, on the ground, that such an amendment was necessary, if the amended Constitution was submitted to the people as a whole, inasmuch as if it was so submitted and adopted by the people, a difficulty would arise, whether every county, great and small, would not be entitled to a representative. He then went into an argument, to show that it must be submitted as a whole, and read from the act of assembly in reference to the Constitution to show, that it was required to be engrossed and recorded in the office of the Secretary of the Commonwealth as a whole and perfect instrument, and that it would take date from the time it was signed by the delegates.

Mr. WOODWARD took the ground, that the Convention was at perfect liberty to submit the Constitution to the people as a whole, or in separate articles. He then read from the act of assembly to show that there was nothing contained in it to restrain the Convention in the subject. He also argued, that in case the act of assembly did contain directions, they would not be binding upon the Convention, as the Legislature was a body limited by the Constitution, which the Convention was chosen to alter. He repelled the idea that the people had not intelligence enough to discern what amendments to reject and what to adopt. He concluded by remarking, that we could not see the necessity at this time of raising this question.

Mr. READ remarked, that there was no doubt, that the gentleman from Chester (Mr. Bell) had placed the question in its true light. "The Constitution would take date from the time the delegates' names were signed to it. Supposing then that this clause should be retained, the very proposition of the gentleman from McKean, which had been voted down by the Convention, for a representative for each county, would become a part of the Constitution."

Mr. DARLINGTON opposed the amendment, in consequence of the failure of an amendment to the amendment offered by his colleague, (Mr. Bell.) Had his motion prevailed, it would have made the amendment the same in substance, as the one which he had the honor to offer, and which was negatived. He should, therefore, vote against the amendment, and trust to a second reading for a chance to renew his proposition.

Mr. STEVENS replied to Mr. Read and Mr. Bell, and undertook to show that it was the duty of the Convention not to submit to the people an engrossed Constitution, but amendments to the Constitution. He quoted the act of assembly which called the Convention, and under which the people voted, to show that this was a "Constitution with limited powers," and that one of those limitations was to submit amendments only to the people. He contended that the amendments could be submitted en masse, or singly, and if singly, the people could adopt some and reject others. He could not see the necessity of this amendment, inasmuch as no part of the old Constitution was to be submitted to the people.

Before any vote was taken, the committee rose, and the Convention adjourned to meet again at 4 o'clock.

Wednesday Afternoon, June 7, 1837.

The Convention met again at 4 o'clock, and resolved itself again into committee of the whole, on the first article of the Constitution.

The last division of Mr. Read's amendment to the 4th section was then negatived.

The report of the standing committee on the fourth section of the first article was then agreed to.

The report of the standing committee on the fifth section of the first article was then read, altering the Senatorial term from four to three years.

Mr. DORAN moved to strike out "three" and insert "two."

Mr. STEVENS moved to amend the amendment by striking it out, and inserting in lieu thereof "that it is inexpedient to make any change in the fifth section of the first article of the Constitution."

Mr. DORAN, of Philadelphia county, advocated his amendment on the ground that his constituents were in favor of reducing the Senatorial term. He said that the Senate was created as a body which should operate as a check upon the improvident legislation of the House of Representatives. It was expected that, possessing age, experience, and wisdom, it would stand as a barrier against corrupt, or hasty legislation, and would protect the people from the effect of passion, prejudice, and party, in the more popular branch. But the object has failed, and experience has taught us that the Senate is not only susceptible of being under the influence of the House, but is beyond the influence of the people. His object was to remedy this..."
Mr. MERRILL remarked, that the gentleman from the county of Philadelphia (Mr. Doran) had truly said, that the Senate was created as a check upon the House of Representatives, to prevent improvident and hasty legislation. But the gentleman says that the Senate has failed to do this. Now what is his remedy? To reduce the senatorial term, and bring this branch of the government more under the power of the House of Representatives! If the Senate has not been independent, it would be better to make the term six or eight years, that they might be beyond the influence of the House. He believed, however, that the Senate had not failed to operate as a check upon the House. He objected to this continual detection of the government. The other day the House was denounced as corrupt, and now the Senate cannot be trusted. It was wrong to bring a republican government into contempt. If we wish to make our government permanent, we must make it appear that it is capable of protecting our rights. He did not believe that the Senate had not answered its ends; but if it has not—if it is still under the power of the House, it certainly will do no good to reduce the senatorial term, and take away what independence there now is.

Under the Constitution of 1776, there was no Senate, and it was found to be a defect. Laws passed by the popular branch, elected under some excitement, were found to be an evil, and the repeal of good laws, before the public mind could be rightly informed upon them, was also one. An act of Assembly which was at first very unpopular, sometimes, within a year or two years, became popular. It was for the purpose of preventing hasty legislation that the Senate was created. The gentleman himself says that the House cannot be trusted; and if it is so, he certainly should not take away the independence of the Senate. The gentleman complains of certain senators, who, in a contest between duty and party, preferred the former. They acted under the obligation of an oath, and the complaint is, that they acted independent of popular feeling.

Mr. EARLE called for the yeas and nays, which, being ordered, the amendment of Mr. Stevens to restore the old Constitution, making the senatorial term four years, was negatived by the following vote:

YEAS, Messrs. Agnew, Ayres, Baldwin, Barndollar, Barnitz, Bayne, Biddle, Chambers, Chandler of Chester, Chauncey, Clark of Beaver, Clark of Dauphin, Clinton, Copes, Cochrane, Cope, Cox, Craig, Cram, Cunningham, Darlington, Denny, Dickery, Dunlop, Forward, Harris, Heister, Henderson of Allegheny, Henderson of Dauphin, Hopkinson, Jenks, Maclay, McCall, M'Dowell, M'Sherry, Meredith, Merrill, Pennypacker, Pollock, Porter of Lancaster, Rorer, Russell, Seager, Scott, Still, Sively, Stevens, Todd, Weidman, Young, Sergeant, President—50.


The yeas and nays were then ordered on Mr. DORAN'S amendment to reduce the senatorial term to two years, and was negatived by the following vote:


NAYS—Messrs. Agnew, Ayres, Baldwin, Barclay, Barndollar, Barnitz, Bayne, Bell, Biddle, Bigelow, Bonham, Carey, Chambers, Chandler of Chester, Chauncey, Clark of Beaver, Clark of Dauphin, Clarke of Indiana, Cline, Coates, Cochrane, Cope, Cox, Craig, Crawford, Crum, Darlington, Denny, Dickery, Dickerson, Donnell, Dunlop, Fleming, Forward, Fry, Harris, Heister, Henderson of Allegheny, Henderson of Dauphin, Hopkinson, Houpt, Ingersoll, Jenks, Kerr, Lyons, Maclay, M'Call, M'Dowell, M'Sherry, Meredith, Merrill, Montgomery, Pennypacker, Pollock, Porter of Lancaster, Porter of Northampton, Rorer, Russell, Saeger, Scott, Seltzer, Sorrell, Still, Sively, Sterigere, Todd, Weidman, Young, Sergeant, President—70.

The report of the committee was then agreed to.

The committee then proceeded to consider the report against amending the 6th section, which was read, as follows:

"The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the Legislature, and apportioned among the districts formed as hereinafter directed, according to the number of taxable inhabitants in each; and shall never be less than one-fourth, nor greater than one-third of the number of representatives."

The report of the committee was agreed to.

The report of the committee against making any alteration in the 9th section was taken up, and the section was read, as follows:

"The senators shall be chosen in districts, to be formed by the Legislature; each district containing such a number of taxable inhabitants as shall be entitled to elect not more than four senators. When a district shall be composed of two or more counties, they shall be adjoining. Neither the city of Philadelphia, nor any county, shall be divided in forming a district."

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The report of the committee was then agreed to.
Mr. READ moved to strike out the word "four" and insert "two."

Mr. STERIGERE moved to strike out the amendment, and insert the following:

"The senators shall be chosen in districts, to be formed by the Legislature, at the same time the representatives are apportioned among the several counties, each district containing such a number of taxable inhabitants, as shall be entitled to elect not more than one senator. Except when the city of Philadelphia or any one county shall contain such proportion of the taxable inhabitants of the state, as may entitle it to elect two or more senators, in which case such city or county shall not be divided to form a district. Nor shall the city of Philadelphia or any county be divided in forming a district. When a district shall be composed of two or more counties, they shall be adjoining. No district entitled to one senator or more shall be allowed an additional senator, on any number of its taxable inhabitants, less than one half of one thirty-third part of all the taxable inhabitants of the Commonwealth."

Mr. S. remarked that the districts were often too large, and he wished to see them reduced, whatever might be the political effect.

The motion was lost.

The question occurring on the motion of Mr. Read, Mr. Bell asked the gentleman to give some reasons in support of it.

Mr. READ said his main object was to render the districts as small as possible, in order to prevent "Gerrymandering.

Mr. BEIL hoped, he said, his district would not be deprived of the privilege of sending a good democrat, as at present. He acknowledged that he stood here as the representative of a district which, according to the gentleman's views, was dishonestly formed.

Mr. SMYTH, of Centre, supported the amendment.

Mr. READ remarked, that it would not answer to take local and temporary matters into consideration in acting for the future. He modified the proposition, by adding the words, "except when a city or county shall be entitled to elect more than two members."

He demanded the yeas and nays on the question, and they were ordered.

Mr. FORWARD said, the true principle was contained in the amendment which had been rejected. Reserving himself for a time, when the subject would come up again, he would vote against this motion.

The question being taken, it was decided in the affirmative, yeas 83, nays 53, as follows:


NAYS—Messrs. Agnew, Baldwin, Barndollar, Barnitz, Bell, Carey, Chambers, Channecke, Costes, Cope, Cox, Craig, Cumn, Denby, Dickey, Forward, Hopkinson, Kerr, Maclay, M"Sherry, Meredith, Merrill, Porter of Northampton, Rofer, Snegar, Scott, Sill, Snively, Sterigere, Stevens, Todd, Weidman, Sergeant, President—53.

The section as amended was then agreed to.

The report of the committee in favor of retaining the 8th section being taken up, the section was read as follows:

"No person shall be a senator who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the State four years next before his election; and the last year thereof an inhabitant of the district for which he shall have been chosen, unless he shall have been absent on the public business of the United States or of this State."

Mr. CLARKE, of Indiana, moved to strike out the word "twenty-five" and insert "thirty."

Mr. Dickey moved to amend the amendment by striking out "thirty" and inserting "twenty-one."

Mr. Clarke remarked, that as he had said on a former occasion, when he made a similar motion in reference to the age of members of the house of representatives, he wished to see this government a little more patriarchal; but he did not make a speech on the subject and he should not now. The senators were older men formerly than of late years, and he had been told that formerly the members of the senate did not come near the house of representatives for fear that one branch might exert an influence upon the other. The modern senators might be as honest and as wise as they were; he was sure they could not be more so; but they did not keep as clear of the other branch. He would like to see them at least thirty years of age. He made the proposition, and if the gentleman from the county (Mr. Drown) was here, he would have a chance to see it voted down without a speech.

Mr. Dickey was quite serious, he said, in his motion. The Senate was placed, by the Constitution, as a check upon the imprudence of the House; but, as we were now making innovations on that body, by cutting down the term of service, destroying its independence, and assimilating it to the House, he was for carrying out the same theory, and reducing the age to twenty-one. It had certainly been considered an object, formerly, to keep in the Senate a certain number of experienced men; but if we were to deprive ourselves of
all the advantages of their experience by reducing their term of service, that object could not be attained, and, therefore, there was no necessity for preserving any part of the present constitution of the Senate.

Mr. PURVIANCE said he was extremely sorry that the gentleman from Indiana had seen fit to renew his attack on himself and the other members of this body who were under thirty, and particularly as two of them were absent.

Mr. CLARKE asked leave to explain. He certainly had made no attack on the gentleman, nor upon the young gentlemen, his friends. In fact, when he made the motion, he did not think of them.

Mr. PURVIANCE continued. The gentleman must get an amendment to the Constitution of the United States, in order to carry out his project: a person may be a member of Congress at twenty-five. For himself, he felt no concern at the gentleman’s doctrine; but he asked when we would take the advantage of their experience by reducing their term of service? Sustained that the sentiments of many, and he believed a majority, of his constituents were in favor of such a limitation.

The motion was lost, and the report of the committee, as amended, was agreed to.

The report in relation to the ninth section was agreed to.

So much of the report of the committee, as relates to the 10th article, was read as follows:

The General Assembly shall meet on the first Monday in January, in every year, unless sooner convened by the Governor.

Mr. STERIGER moved to amend, by striking out “January,” and inserting “November.” So far as he had heard any expression of opinion, it was in favor of January; but his experience was to the contrary. The object was to avoid the holidays, and the waste of time consequent to them; but it was impossible to avoid holidays, meet when we would.

The motion was lost.

Mr. MERRILL moved to strike out the word “sooner,” and inserting in lieu of it, “at another time.” Lost.

Mr. DICKEY moved to amend, by adding to the end, “and shall adjourn the last Thursday in April, unless continued in session by law for that purpose.”

The motion was agreed to, 54 to 36.

The report of the committee, as amended, was agreed to.

The eleventh section, which the committee reported, that it is inexpedient to alter, was read as follows:

11. “Each House shall choose its speaker and other officers; and the Senate shall also choose a speaker, pro tempore, when the speaker shall exercise the office of Governor.”

Mr. STERIGER moved to pass over the section for the present, until it should be ascertained whether a Lieutenant Governor should be created.

Mr. BELL was in favor of the motion.

Mr. FULLER said this was a proper time to test the question relative to the creation of a Lieutenant Governor.

Mr. BELL spoke the gentleman would withdraw the motion, and offer it on the second reading.

Mr. STERIGER withdrew the amendment.

Mr. DARLINGTON moved to strike out the word “the Senate,” but withdrew it for the present.

The report of the committee was agreed to.

The report of the committee in relation to the 12th section was agreed to.

The report of the committee against altering the 13th section was taken up, and the section read 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 a branch of the Legislature of a free State.”

Mr. HEISTER moved to add to said 13th section—“And may punish by imprisonment, not to continue longer than to the termination of their session or by fine, not exceeding one thousand dollars.”
any person not a member, who shall be guilty of disrespect to either of said Houses, by contemptuous or disorderly behavior in their presence."

Mr. H. said he would barely say, that every member of the committee acquainted with the legislative history of this Commonwealth, must be aware, that instances have occurred, where persons not members of either branch of the Legislature have been assigned before one or other of those bodies for contemptuous or disorderly behavior—and that, whenever such instances have occurred a difficulty has been experienced, for the power to punish such offenses delegated and defined. And to obviate that difficulty, he had submitted the amendment to the consideration of the committee.

The motion was lost.

Mr. INGERSOLL moved to strike out the following words: "and shall have all other powers necessary for a branch of the legislature of a free State," and insert in lieu thereof, the following: "and with the Governor, shall have all the power of making laws not inconsistent with this Constitution—the sovereignty of the people, and the inherent limitations of annual trust delegated by that sovereignty."

The motion was rejected.

Mr. EARLE moved to amend by adding the following: "Provided the legislature shall grant no special charter for banking or other corporations, except those for internal improvement."

The motion was rejected, and the report was agreed to.

The report of the committee in favor of retaining the 14th section was taken up, and the section read, as follows:

"Each House shall keep a journal of its proceedings, and publish them weekly, except such parts as may require secrecy; and the yeas and nays of the members, on any question, shall, at the desire of any two of them, be entered on the journals."

Mr. HEISTER moved to amend the report by inserting after the word "keep," the words "and preserve inviolate." Mr. H. said he thought the provision clear enough as it was; but in the highest legislative body in the Union, it had been judged otherwise. Unless the clause was made explicit, we might have expunging here.

Mr. FORWARD objected to any alteration in the clause.

The report was agreed to.

Mr. STEVENS moved that the motion of the gentleman from Lancaster do not appear on the minutes, because it would be referred hereafter, as a proof that we had sanctioned the construction to which the gentleman from Lancaster objected. The construction had been settled in this State.

Mr. DORAN asked if the gentleman from Adams wished to expunge the entry on the minutes?

Mr. HEISTER said he had no power over the motion now.

Mr. STEVENS moved to reconsider the vote taken on agreeing to the 14th section, which was agreed to.

The vote on the amendment of the gentleman from Lancaster was then reconsidered, and Mr. Heister withdrew the motion, and the 14th section was agreed to.

Mr. MEREDITH moved that the committee rise: lost.

The report against altering the 15th and 16th sections was agreed to.

So much of the report as relates to the 17th, 18th, and 19th sections, and recommends that no alteration be made therein, was agreed to.

The report of the committee that it is inexpedient to alter the 20th section being taken up, it was read as follows:

"20. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments, as in other bills."

Mr. CLARKE, of Indiana, moved to strike out the words "for raising revenue," and, as the hour was too late to state his reasons, he moved that the committee rise. The committee having risen, the Convention adjourned at a quarter before seven o'clock.

THURSDAY, JUNE 8TH, 1837.

Nearly an hour was occupied in reading and correcting the minutes of the committee of the whole of yesterday.

After some conversation as to the proper time for reading and correcting the minutes of the committee of the whole,

Mr. MEREDITH moved to refer the minutes to the committee of the whole, for the purpose of examination and correction; and that the rule requiring the minutes to be read after the journal, each morning, be rescinded.

The first clause of the motion was agreed to, and the latter was rejected.

Messrs. FOULKROD, JENKS, and M'DOWELL, obtained leave of absence for a few days, from to-morrow.

Mr. DARLINGTON offered a resolution providing, that the Convention, this day, take a recess from one till three o'clock. And he move that it be read a second time, and considered now.

The motion to consider was lost, 43 to 49.

ADJOURNMENT.

Mr. COATES offered the following resolution:

Resolved, That this Convention adjourn the 26th of this month, and meet again on the 17th of October. Lies over one day.

FIRST ARTICLE.

The Convention resolved itself into a committee of the whole, MR. PORTER, of Northampton, in the Chair, and resumed the consideration of the reports of the committee on the first article.

The minutes of the proceedings in committee, yesterday, were taken up for examination and correction, according to the order agreed to this morning.

On motion of Mr. CLARKE, of Indiana, the subject was postponed for the present, with the understanding that the Chairman should examine and correct the minutes, and submit them to the committee for examination.

The report of the committee in favor of retaining the following section, being under consideration:

"Sec. 20. All bills for raising revenue shall originate in the
The pending motion being that of Mr. CLARKE, of Indiana, to strike out the words "for raising revenue."

Mr. CLARKE spoke, at considerable length, in support of the motion.

When the gentleman from Montgomery, he said, made the motion that the committee rise, he was kind enough to intimate that I wished to address the committee on this subject. Thank the gentleman for his intention; but his remarks have put me in a position that I do not wish to occupy. From observing the disposition of the House, I had found that its patience was worn out, and therefore, I offered the proposition, not for immediate action, but with a view that the committee should have an opportunity to consider it. He was not prepared, as the gentleman supposed, for a speech. He was not anxious to figure in the Daily Chronicle; nor to get his name in to the journals; nor into this book of resolutions. In this book (holding up the file of resolutions,) his name did not appear. He had not been ambitious to bring his projects before the Convention; not but that he had his projects, and that his constituents expected him to suggest his views; but because he had preferred to wait and see what other gentlemen proposed, in order that if their proposition suited him, he would adopt it instead of offering his own. It was only after other gentlemen had ceased to offer their amendments, that he had determined to offer his, and this course he should continue to pursue. He should offer no project himself, unless when he found that no one else would offer it. He was aware that this course was attended with one disadvantage—that, before he found it necessary to present a proposition, the patience of the Convention was exhausted; and "question," "question," was reiterated in loud cries from all sides of the House, upon the suggestion of any new amendments. So strong were the manifestations of this feeling at times, that a member must be possessed of a high degree of moral courage to offer an amendment, and much more to undertake to explain the reasons for it. A member must possess an undue idea of his own powers of eloquence to persuade him to address this body under such circumstances. But, as he now offered a proposition that was new in principle, the committee would, he hoped, indulge him with some remarks upon it, which he would say would be brief; and he hoped that other gentlemen who might think favorably of the amendment, might be induced to take up, illustrate, and enforce it. The great object which he had in view, was to give dignity and weight to the Senate, and if he might be allowed the expression, to clarify our laws by purifying the government. Since he had become a practical legislator, he had always been a great admirer of the Senate, though he knew that, as a body, it was liable to other failings than error.

He recollected one case in which he had no doubt that the Senate committed a radical error. Though he had voted for the proposition to reduce the term of service of the Senators to two years, yet it was not from want of confidence in the Senate. It was from no hostility to the Senate that he had offered this amendment; but, on the contrary, from a desire to raise its dignity and character, and make it what it was originally intended to be, a check. It was with this view of purifying the legislature, that he supported the proposition of the gentleman from the county, (Mr. Ingersoll,) to distribute the powers of the several branches of the government with more precision. With the same view, he moved to increase the age of the members of the House of Representatives from twenty-one to twenty-eight, not from any intention to cast any reflection on the young members of this body, or in the Legislature; or in the Commonwealth generally. On the contrary, he highly esteemed young men as politicians. They are more pure and disinterested than we are. They are less hackneyed in the paths of politicians, and have more patriotism than we. Indeed, he had been said, and perhaps with some truth, that the only virtue left to a man of sixty was economy.

After pursuing this subject at some length, Mr. C. said he did not find any precedent for this proposition to require all bills to be originated in the House; but from the observation of years he was satisfied that it would be an improvement in our government. There must be a time when every improvement is new. What was the theory of government? That the father is the head of his own family, and when he is called away that his eldest son shall represent him. Monarchy grew out of this, and it had been perverted into many bad systems of government. We had founded a representative republican government. Why is government necessary at all? On account of the wickedness and waywardness of mankind. For the necessity of government, we need go no further than the New England Primer; where we find that...

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"In Adam's fall
Man sinned all."

Government and laws were necessary to restrain the wicked—to prevent one man from injuring another. But bad governments might commit much injury under the form of law: hence we had introduced checks and balances. Our Senate was intended as a check upon the lower House; and to render it what it was intended to be originally; he wished this amendment to be passed. His opinion was—and it was the true theory of our government—that all things should originate with the people: they expressed their opinions and wishes to their immediate representatives, and, after undergoing a careful examination in that body, and passing the ordeal of the popular branch, then, and not before, each measure should come before the Senate. The Senate would keep aloof from all popular excitement and influence, and from the turmoil attending the introduction and matured of measures. He would have a sedate, steady, sober body of men, whose province it should be to revise, with coolness, disinterestedness, and deliberation, the acts of the popular branch of the Legislature. But the practice under our system was to originate bills in both houses, and the Senate was besieged with crowds of lobby members, or middle house members, as they had been termed, whose business it was to get bills passed by the Legislature for their own advantage. These men calculated their chances of success, and made their attack upon the Senate or House, as they thought most advantageous; and, after getting a bill through the Senate, the father of the bill would feel it his duty to follow it through the other house, and see that it went through there. This led to partial and interested legislation. He had known threats thrown out by members, that unless a particular bill was passed by
one body, another measure would be killed by the other body. Mr. C. illustrated his views on this point in various ways. If his amendment prevailed, it might be said that the Senate would have little to do: but he was satisfied that we had too much legislation: that was one of the evils of the present system: we had better improve its balance, and lessen its quantity.

Here Mr. C. said he was indebted to a friend for pointing out to him a provision in the Constitution of Virginia, similar to that which he advocated. So, he was not without precedent for his proposition.

With all the lights of experience before their Convention, in 1830, which was composed of the most eminent men, it was provided in the new Constitution of Virginia, that all bills should originate in the House of Delegates. He had observed here an indisposition to control the legislature. It had been said that they must be left free. He wished them to be free; but he wished to check their action in some degree, and to restrain it within certain limits. We talked of reducing the tenure of the judiciary, and should we refrain from checking the Legislature, because it was a stronger body? He had no feeling to gratify in this matter: and his only object was to secure a deliberate and steady legislation.

Mr. Scott, of Philadelphia, said, that the high character and great experience of the gentleman from Indiana, (Mr. Clarke,) entitled any suggestions made by him to grave consideration. That gentleman had said that his name appeared but seldom on the journals of this Convention. If it appeared there oftener, Mr. Scott knew of none that could adorn them more. The amendment to the Constitution which that gentleman had now presented to the attention of the committee, was one of great importance, and which, he feared, if adopted, would do much to unsettle a very beautiful part of the frame of our government. The proposed amendment was, in Pennsylvania, at least, a new experiment, almost without precedent. The Constitution of Virginia, which had been referred to as containing a similar provision, was a precedent entitled to little weight. In had been adopted only in 1830, and the effect of that provision, under the revised Constitution, remained yet to be seen. The whole frame of government of that State was essentially different from that of Pennsylvania. It was less republican in its basis, and in its development. The elective franchise was there much more restricted than here. It had long required possession of property as a qualification in the voter, and even as now modified, fell, in that particular, far below the extent and freedom of the elective franchise in this State. There too, it was required that a delegate to the House of Representatives should have attained the age of twenty-five; the Senate, thirty. With us, the ages demanded were twenty-one and twenty-five. There could be no fair reasoning by analogy from the state of Virginia—a slave State; to the pure and untrammeled institutions of Pennsylvania.

Why, then, should the Senate of Pennsylvania be prevented from originating bills? Why should her Senators be denied the privilege of presenting for investigation their plans for the promotion of the common good? Are they less experienced in public affairs? Are they less worthy of trust or confidence? Are they more exposed to the influences of passion, than the members of the House of Representatives? In theory, certainly, they are not: and they have not hitherto been so in fact. By the length of the term for which they are elected, and by the smallness of their number, they are guarded against, or strengthened to resist the impulses of passion, and the force of extraneous influence. By the additional years necessary as a qualification, they have at least a chance of better preparation for the business of legislation. Where indeed in Pennsylvania, can a statesman be trained, if not in the chamber of the Senate? Where else become familiarly acquainted with the policy of the State, and with the cause of legislation necessary to carry out and perfect that policy, than in that house in which the term of service is of some duration? A system cannot be the result of the legislation of a single session. It must be brought to perfection by the gradual progress of years. What are the land laws of Pennsylvania, under which your titles are held? Are they the fruit of hurried legislation by inexperienced minds? What is your splendid system of internal improvements, which has placed Pennsylvania in the very first rank among her sister States. Your bridges—your roads—your canals—how did they come into existence, if not by the unwearying and continued efforts of trained and disciplined men? We have heard much of the talents and the capacity for legislation of the young—of their vigor of intellect and enthusiasm of feeling. It is true, there have been splendid instances of precocious intellect, and early acquirements. William Pitt has been referred to; a prime minister at four-and-twenty—but he had been trained and instructed by the lessons and experience of the Earl of Chatham—the fast friend of our own country in its revolutionary days: and it was the wisdom of Chatham which flowed from his lips. Nor can I agree that economy is the only virtue and the only capability of mature years. The law-makers of Athens and of Sparta were not boys: and although Napoleon himself conquered the world in arms while he was scarcely beyond the age of manhood, yet he found his victors among those who had passed the meridian of life.

The amendment of the gentleman from Indiana, instead of contributing to the dignity of the senate, would place it in a position which would soon render it odious. Its duty would then be limited to concurrence with the lower house, or to the exercise of a veto upon its enactments; and this latter office frequently performed, would expose it to the indignation and resentment of that which is called the popular branch, and would eventually expose it to the risk of entire overthrow, if it did not submit to the alternative of constant submission. It is true, it never may exercise a virtual veto upon the representative branch: but that branch in its turn may and does place its negative upon the action of the senate, and thus the balance of feeling as well as of power is kept in a just equipoise. In truth, sir, the senate is not less—perhaps it is more, an emanation from, and representative of the popular voice, than is the lower house. That is composed of persons chosen from single counties or small districts; and it has happened both in this state and elsewhere, that a majority in that branch has been thus created, which did not, perhaps, represent the political feeling of a majority of the whole people. The so
s nnt applied, it is because the people believe no malady exists which participatation in the legislative power, Has not the House of Represen- tatives, has done or shall do that which a majority of the people do Mr. FRY said, Chat it was necessary that some retic~ion to the Senate, to give the government whight and *anding,. It, might have believed that after the election of Gen. Heister, they would get a imn which it shall have originated, -who shall enter the, objections at d&& Schr. Ohauncey, Clark of B~v~,,Cleavinger,Gline,Chbates;Uochra; was read,, .%s follows : years experience, they ratified it in 1830. m'fhegentleman had ask- ed where statesmen were to be proved? and he atiswered, in the House Ingersoll, Kei,ti, $seJ McDowell,, mliler, .&lyers,. Nei, unless:the General .Assembly, 6y their adjournment, prevent its ret, The minority at the eombittee. to whom 'Was referred the brrt ars, .The report of the minority of the cotimittee. on the same subject, .\sent to him, it shall ba a law, in like FBanner as if he had signed it,..tichart, Todd, Wiedman, Every which shall have passed both, honpes, shau:; d, a&d, jfter serving there, tiey should go tb the Senate formed a rallying point, till the people, who had been led to believe that after the election of Gen. Heister, they would get a dollar a bushel for their wheat, were undeceived, and had time to come lsrge military services, and only for one year at a time,”. Mr. FRY moved to amend the report, by inserting the following as a new section: “No pension shall be granted by the Legislature, except for actual "Mr. DICKEY asked for the yeas and nays on the proposition. He wished to know who would deprive the old soldiers and their widows of their pensions. Mr. FRY withdraw the motion for the present. The motion was agreed to. The report in favor of the following section being taken up, it was read, as follows : Sec. 21. “Every bill which shall have passed both Houses, shall be presented to the Governor. If he approve, he shall sign it ; but if he shall not approve, he shall return it, with his objections, to the House in which it shall have originated, who shall enter the objections at large upon their journals, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which, likewise, it shall be reconsidered ; and if approved by two-thirds of that House, it shall be a law. " But, in such cases, the votes of both Houses shall 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. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall be presented to him, it shall be a law, in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return; in which case, it shall be a law, unless sent back within three days after their next meeting.” The minority of the committee to whom was referred the first article of the Constitution, report that it is expedient to so alter the 22d and 23d sections of the said article as to read as follows : Sec. 22. “Every bill which shall have passed both houses, shall be presented to the governor ; if he approves, he shall sign it; but
CONVENTION PROCEEDINGS.

Shall not approve, he shall return it, with his objections, within ten days after it shall have been presented to him, and his objections shall be entered at large upon the Journals of the house in which the bill originated; upon which being done, the Senate and House of Representatives shall, in joint meeting, proceed to reconsider the said bill; and if, after such reconsideration, two-thirds of said joint meeting, upon joint ballot, shall agree to pass the bill, it shall be a law. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law, in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return.

Sec. 23. "Every order, resolution, or vote, to which the concurrence of both houses may be necessary (except on a question of adjournment) shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved shall be repassed by two-thirds of both houses in joint ballot, in joint meeting for that purpose assembled."

Mr. PURVIANE said, he felt gratified that the Convention had now engaged in earnest in the discharge of its legitimate duties. He was pleased to see the spirit of voting instead of speaking pervade the body, and would not at this time have troubled the Convention, but for the circumstance of having been on the committee from which the report under consideration emanated. He would seek the attention of the Convention for a short time, while he assigned the reasons operative with him in suggesting a change, or restriction upon the veto power. Sir, (said Mr. P.) I have ever entertained but one opinion relative to this singular power, and believed it to be contrary to the spirit and genius of republican institutions. It is a derivative of monarchy, and ill adapted to the free spirit of inquiry and decision of an enlightened people. The beauty of our government consists in the several departments being kept separate and distinct; so that neither shall be permitted to encroach or trench upon the province of the other. The Executive department should be confined within the executive sphere, and should not be permitted to interfere in the business of legislation; and were we now forming a new Constitution instead of amending an old one, I would have no hesitation in giving my vote against the introduction of any such power in that instrument. Upon an examination of the several Constitutions of the different States, which I have done with some degree of care, I find that this negative power in nine of the States has been withheld from their Executives. In the States of Maryland, Rhode Island, North Carolina, South Carolina, Ohio, Tennessee, and Michigan, no such power in any shape or form is vested in their Chief Magistrates. In New Jersey, the Governor has but a casting vote with the Council and Legislature. He is but one, and counts but one, having no power to check the expressed will of the people, only so far as his individual voice and vote will extend. In five of the States enumerated, the Governor is elected by the people, and yet they have not been willing to clothe him with powers so plenary as those given by the veto. The people have reserved this power to themselves, and, in my humble opinion, they are the best check that can be imposed upon improper and injudicious legislation. Besides, the framers of the Constitution intended no other check upon the temporary excitement of the lower House, than that of the Senate whose term of office was so constructed as to have especial reference to that supposed difficulty, and to provide especially for the contingency. Under the existing provision, the Governor has an almost unlimited power of the action of both branches of the Legislature, and indeed a case may be supposed, where the unanimous decision of the popular branch (I mean the lower house) may be reversed, or rendered inoperative by the exercise of the veto, because the present Constitution requires two-thirds of each house to carry a law against the will of the Executive. If, therefore, one hundred members in the lower House, which is the entire body, were specially instructed by their constituents on a particular subject; and if, in addition thereto, twenty-one members of the Senate concurred with the lower house, the veto of the Executive could still be sufficient to defeat this popular expression, thus solemnly made by one hundred and twenty-one of the people's representatives.

I confess I am startled at such a power lodged in the hands of a single individual. It may be, sir, a tremendous engine of power if so applied, and a Governor whose patronage is so extensive as that of a Pennsylvania executive, might, on extraordinary occasions, so wield it as to entirely destroy popular representation. By popular representation, I mean the will of a majority of the people, as expressed through the votes of a majority of their representatives. I have thought, that whilst, perhaps, it would be injudicious to strike from the Constitution the power as it there exists, I am, nevertheless, clearly of opinion, that some additional restraint should be imposed upon its practical operation. Instead of requiring two-thirds of each house separately, the report of the minority proposes to restrict to two-thirds of both houses in joint ballot,
which will at all times limit the action of the executive veto to a less proportion of popular representation; so that at no time, and under no circumstances, could the power extend beyond the will of eighty-eight members; when, as it at present exists, it may be made to extend beyond the votes of one hundred and twenty-one of the people's representatives. Sir, (said Mr. P.) however much I am opposed to this extending power, I confess I have other returns of the Constitution for which I am free to say, I feel a greater degree of interest, and in which I have no doubt my constituents are more immediately concerned. My principal desire at this time, is to record my reasons with my vote. I desire they shall stand upon the journals of this Convention in bold relief against any and every monarchical feature of the government. I am desirous that after-ages shall know that my confidence in the people for self-government is the same with which the patriots of the revolution were inspired, and that that confidence cannot be diminished or impaired as long as virtue remains to influence and govern popular sentiment.

Mr. MERRILL remarked, that in the third article of the Constitution, the Legislative power of the Government was divided into two branches, and the duty of the executive was to execute its laws. He believed the veto power was not given him as a legislative power, but as an executive—to prevent the will of the majority, but to prevent violations of the Constitution, and suspend hasty and injudicious legislation, until the people themselves could decide the matter. He did not think that the power to suspend should be taken away. It would leave the executive at the mercy of the other branches of the government, and take away the power to protect himself. But it would not violate the principle that a majority should rule, to allow him the right to suspend an act of assembly for one year, and to refer it to the action of the people, and that then a majority of their representatives should pass the act. Besides, it would give an independence to the governor. He might feel some delicacy in putting his negative to a bill, although to him very objectionable when it would defeat it entirely, unless two-thirds of both Houses should afterwards pass it. But if he had power only to suspend it, to refer it to the action of the people, he would feel more at liberty to do it. He believed with the gentleman from Indiana (Mr. Clarke) the Legislature was the place where the residuum of power should be placed; but he believed that the governor should have a qualified negative on its acts. It was the object of many to take away the patronage of the Governor; and if this should be done, his influence, arising from the power of appointment, would not be as great in the Legislature; so that if a bill ought to pass, it would undoubtedly receive a majority at the next session of the Legislature, whatever might be the political complexion of that body. He opposed the proposition of the gentleman from Butler, (Mr. Purviance,) that the vote should be taken in joint ballot, after a negative by the Governor, as worse than the Constitution now is.

Mr. CRAWFORD then withdrew his amendment to strike out "two-thirds" and insert "three-fifths."

Mr. AGNEW said, he was opposed to the proposition to amend under consideration, as well as to that which had been offered by the gentleman from Union. In the first place, because no such alteration had been called for by the people: And, in the second place, because it would overthrow a fundamental principle upon which our government had been framed. He believed the only true and proper guide we could take in the proposal of amendments, was the general sense of the community, so far as it could be gathered. In the alteration of a Constitution, as in ordinary legislation, the first inquiry was, the evil sought to be remedied. It would be strange indeed, if, after a lapse of forty-seven years, those parts of the Constitution which hitherto rested lightly upon the people, and against which they had raised no general complaint, should be defective and require amendment at our hands. But when, during that period, frequent and loud complaints had arisen, it was reasonable to suppose, that those features complained of were defective or injurious, required the serious attention of this assembly, and required alteration if amendment could be beneficially made. This was the guide which had hitherto directed his course, and should direct it hereafter. Those amendments which the community had, with a general voice, demanded, he had too much at heart to endanger, by connecting them with propositions doubtful in their character, and which would only render the whole unpalatable to the people. He had no desire to enter upon new and untried experiments, because they seemed plausible or captivating, or to adopt propositions which were the suggestions of our own thoughts only, and not pointed out by common observation. When, he asked, had the people desired to dispense with the veto power? It was true, that a certain party had at one time much censured the exercise of that power, by the President of the United States; while now, perhaps, an opposite party disapproved of it in a late act of the chief magistrate of this State. But these, said he, are censures upon the exercise of it, as improper in those instances, not a repudiation of the power as unwholesome and prejudicial to the interests of the people.

It was chiefly because the alterations proposed to affect, and, in some measure, if not altogether, to dispense with a fundamental principle, as he believed, in the Constitution of our free government, he felt bound to oppose them. The great end of every government is the protection of individuals in the enjoyment of those rights, which are essential to their welfare and the pursuit of their happiness, and that was the best government which most conducted to that end. The experience of mankind in all ages had shown, that that government, in which its several functions were performed by the same organ or body, is most likely to run into usurpation, and to end in tyranny. When the same body which makes laws executes them, there is no shield against tyranny and oppression. It may make laws unjust, cruel, and encroachments upon the rights of individuals, and carry them into effect, without regard to right or justice. The only protection against usurpation, and the only means which had yet been discovered to restrain government within its legitimate limits, existed in the distribution of the several powers of government among several distinct branches. With Americans, at least, the distribution of the several powers of government had become a settled axiom in the science of government. But of what importance was it that a constitution should set out upon its face this great principle, and should even provide that the legislature, or the executive, or the
judiciary, should never exercise any of the powers of either of the
other branches, unless it is contained some inherent principle of pro-
tection to preserve the balance of those powers, and to prevent the
encroachments of any one upon the other? What is a Constitution
without this principle of self preservation, more than so much paper?
No matter how visible and broad the line of demarcation, the great,
difficult task is the practical means of securing every branch
against the encroachments of the States. The veto, a qualified nega-
tive to the Governor upon the acts of the Legislature, is one of the
conservative principles of our Constitution, intended to prevent the
unwholesome operation of fluctuating majorities, to protect the other
branches of government against the encroachments and usurpations
of the Legislature, and to carry out practically, and preserve the
distribution of powers. The executive and judicial branches of gov-
ernment can be easily restrained to certain and known spheres of
action—that action being for the most part under and subordinate to
law. The paths of their duties lie straight before them, and their
deviations are narrowly watched. But the Legislature, subject to
no limitation, and restrained by prohibitions only of the Constitu-
tions, ranges over a wide field of undefined power, in the pride of
conscious strength. In its hands, your laws, your institutions,
your public policy are placed. It controls your vast interests,
your property, and every thing within the illimitable field of legis-
lation. All your resources of wealth and your property are regulated
and controlled by it. That which it does to-day, it can undo to-mor-
or. It is, in the first instance, the judge of its own powers, and
decides for itself how far its own acts are within its legitimate sphere.

What is there in this branch of government, apart from extrinsic
checks, to preserve it in the faithful exercise of its functions, except
the correctness of the opinions it forms of its own powers and its sense
of right? If this be the case without the veto power, what security
have you that the Legislature never will transcend those powers? An
apparent necessity, a great emergency, are the plausible pretexes to
justify acts which, viewed under calm and peaceful circumstances,
find no defense on the ground of constitutional propriety. Men are
actuated by different feelings and different views: they may and al-
ways will, in some measure, differ in their construction of the extent
of the restrictions laid upon the powers exercised by them. What
was declared constitutionally right yesterday, is wrong to-day, and
may be right again to-morrow. Political excitement, great popularity,
and faction often warp the strongest judgments, cloud the clearest
minds, and run into usurpations which find favor, and even sanction,
temporarily, with the people. All past observation teaches us, that
communities have their passions and infirmities as well as individuals,
and like them often transgress those rules which they have established
for their own government, and which, when the tempest is past, or
the weakness removed, they acknowledge right and proper. Thus
in times of high excitement, when the angry feelings of the multitude
are inflamed, or their prejudices aroused, the majority may and have
often transcended the limits of constitutional power. Gentlemen fall
into great error when they talk of the rights of majorities. He said
we did not dispute the true democratic doctrine of majorities; on the
contrary, it was the only practicable means of effecting the legitimate
objects of government. But he did mean to dispute that doctrine
which, by the power of the majority, swallowed up the rights of the
minority. The people were the whole people, and not a majority
merely; and the majority only exercised powers, not rights given to it
by the whole people, by common consent, in the institution of govern-
ment. It was no justification of, or a departure of the Legislature
from its constitutional powers, that that departure had been sanctioned
by a majority of the people. He did not deny that the people had at
all times the right to alter, abolish, or reform their government, and to
do that by means of a majority; because it was a right inherent in the
people, and by common consent permitted to be done by a majority.
But this must be done in the proper manner, by direct action of the
people themselves, or under their express authority upon the subject,
with an intention to alter, reform, or abolish. The majority, then,
could not sanction an unconstitutional act of legislation. What a ma-

ority one day may have considered right and constitutional, a ma-

jority may at another time decide wrong and unconstitutional. There
is no safety in the doctrine of majorities, except when they run in the
channels cut out for them by the Constitution, which the people
have established for their government. When they leave these channels,
nothing but overflow, deluge, and destruction can ensue. It is, then,
to protect against the sudden fluctuations of mere majorities; to check
the extravagant career of political fanaticism; to preserve the inviola-
tability of the Constitution, and to defend the co-ordinate branches
of the government against the encroachments of the strongest branch,
by preventing consolidation, that this qualified negative upon laws has
been placed in the hands of the Governor. For these reasons, he said,
his was opposed to any change in the Constitution in this particular,
and hoped the committee, who had indulged him with their close at-
tention, would not pass the proposed alterations.

Mr. SERGEANT was in favor of the veto power as given to the
Governor by the present Constitution. If, instead of purchasing the
book of Constitutions, a committee had been appointed to enquire
and report, if any State in this Union was more republican, more
prosperous, and more happy than Pennsylvania, and if that committee
should find such a State, then it might be well to refer to its Constitu-
tion. The gentleman from Indiana (Mr. Clarke) has referred us to the
Constitution of Virginia—but would the gentleman exchange it for
that of Pennsylvania? The representation in the Virginia legisla-
ture was not based on population, but partly on territory and partly popu-
lation. Her qualification for voters was a freehold qualification, so
that no Virginian could vote who did not possess real estate. Let us
then inquire if Virginia has been more republican, more prosperous,
and more happy than Pennsylvania? If not, what is the argument?
So, in regard to Vermont, or any other State: their Constitution may
suit the people of those States, but might not be the best Constitution
for Pennsylvania. When, therefore, we are referred to the Constitu-
tions of other States, as models, it should be shown that they are
suited to the habits and character of our citizens.

The veto power was not given to the executive for useless purposes.
It might be used to protect the rights of the people. It is not impos-
sible for a majority of the legislature to represent a minority of the
people. The plan of apportioning the representatives among the
counties, where no county can be divided, or added to one which is not adjacent, renders it impossible to make a perfect population basis. In one county the majority may be large; in another small; so that the aggregate majorities for a large majority of the House of Representa- tives may be less than the aggregate majority for the minority. The same may be the case in the Senate. A legislature so constituted might undertake to defeat the will of the majority, while the Governor, who is elected by the whole people, feeling an obligation to guard the interests of the whole State, would feel it his duty to inter- pose his negative. The Governor has no power to make a law, but only to make the legislature pause, and refer the question back to the people. In 1813, it is well known that the legislature passed a law incorporating about thirty banks. The bill was vetoed by Governor Snyder, and not being afterwards passed by two-thirds of the legislature, it failed. The next legislature passed a bill incorporating forty banks: this was also vetoed by the Governor, but became a law by afterwards receiving the vote of two-thirds of both branches of the legislature. Every one knows the consequences that followed, and it is not necessary to repeat them. The veto of the Governor is necessa- ry to check the evils of bargaining. To show the operation, as honest a member as any in this Convention, (Mr. Earle,) the other day arose in his seat, and proposed that if any gentleman would rise to sustain the call for the ayes and noes, that he would return the compliment. This was done with no sinister intentions, but explains how bargaining can be done. A new member, anxious to show that he has done something for his constituents, becomes impressed with the idea that a bank is necessary—another has the same opinion, and one says to the other, if you will vote for my bank, I will for yours. Thus one interest becomes united with another, until mem- bers were obliged to vote for what they did not want, for the purpose of getting what they did. So bills of internal improvement are sometimes passed, which might involve the State in millions of expense. What would there be to check such things, if the veto power was taken from the Governor? No constitutional enactment could supply its place. If it resides any where, it must rest with the Governor, who is elected by the whole people of the State. It is true, this pow- er should only be exercised in peculiar cases. First, to prevent the en- actment of unconstitutional laws, and in the next place those which involve great interests. It is better to arrest unconstitutional laws at their passage, than to wait for a case to arise in the courts. A law of Pennsylvania had never yet been declared unconstitutional by our Ju- diciary.

Several gentlemen have alluded to the Senate of Pennsylvania, and spoken of the abridgement of the senatorial term. It was intended that the members of that body should be more advanced in life than the House. Men who were elected to the Senate were generally tried in the House. The Senate was considered the higher branch, and members of the House looked to a seat there as the reward of honesty, integrity, and talent. They were chosen by the people for their firmness, and to hold their offices for a longer term of years than the members of the lower branch; that, when the storm of popular feeling comes, they might be able to stand up in their integrity, while those who were elected for a short time might bow before it—

Mr. HOPKINS remarked, that when the executives of other States were adverted to, it should first be known, whether there was any analogy between them and our own. The Executive of Pennsylva- nia had executive and legislative power, and was elected by the people. The gentleman from Butler (Mr. Purviance) has re- ferred to the Executives of New Jersey and Virginia. But unless the duties to be performed by the Governors of those States are similar to those of our own—unless they are elected by the people, his argument fails. In New Jersey, the Governor exercises judicial power; in Pennsylvania, he does not; in New Jersey, he is not elected by the people; in Pennsylvania, he is; in New Jersey, he is called upon to sign no bill; in Pennsylvania, his signature is neces- sary. So in Virginia, the Executive formed part of the legisla- tive power, signed no bills, and was not elected by the people. Before, therefore, we cite the Constitutions of those States on any particular power of the Executive, we should first examine into the fact, whether there is any analogy in the duties they have to perform.

Mr. CRAWFORD then withdrew his amendment.

Mr. PURVIANCE then offered as an amendment the minority report of the committee, requiring a bill vetoed by the Governor to be considered in a Convention of both Houses of the Legislature, and if it then passes by two-thirds, to become a law.

Mr. STERIGER said—Mr. Chairman: In the early part of our session, I submitted an amendment to this section now on our files, which provides, that when a bill shall be returned by the Governor with his objections, it may be passed into a law by a majority of all the members of each House; and that, if the Legislature, by their adjournment, shall prevent the Governor from returning a bill to which he objects, within ten days, he shall, within ten days after the adjournment, file the bill, together with his objections, in the office of the Secretary of the Commonwealth, and publish the same. I refrained from offering my amendment, intending to wait till other gentlemen had first offered theirs. The amendment of the gentleman from Butler (Mr. Purviance) provides that a bill returned by the Governor shall be passed by two-thirds of the members of both Houses in joint meeting. The amendment proposed by the gentleman from Westmoreland, (Mr. Crawford,) which has just been withdrawn to enable the gentleman from Butler to first submit his pro- position, provides that such bill may be passed by three-fifths of each House. I am decidedly in favor of requiring only a majority; but if I cannot succeed in that, I will vote for three-fifths. I have given this subject some examination and reflection. As I am opposed to this section as it now stands, I may as well submit the result of my deliberations now, as at any other time.

The object of the people of this State in establishing a govern- ment, was not to build up a throne; nor did they desire to invest their Governor with kingly powers. The framers of the Constitu- tion of 1790, seem to have been deeply tinctured with notions in favor of a high-toned government; for they have invested the Governor or the Commonwealth with uncontrolled powers, greater than has been
given to the Governor of any other State, or to the President of the United States; and, in some matters, greater even than the king of England has. And one of the most objectionable powers with which he is now invested, is of vetoing bills passed by the Legislature, and thus setting at defiance the will of the representa-
tives of the people. The people never designed to create a govern-
or, to exercise power for his individual benefit, regardless of their rights, and to be placed above their control. He was created by them to perform certain functions in the administration of their govern-
ment, for their benefit and advantage.

In this particular, the Executive should not be above the Legisla-
ture: My hope is in the Legislature, and I would place all other de-
partments under their control. The members are under the control of the people, and are coming continually fresh from their ranks, im-
bued with their principles. The people can never rely so securely on any other department of the government. Our Legislative Halls will be filled with virtuous men, so long as the people remain virtu-
os; and when they become corrupt, it will be of little consequence what the form of their government is.

The gentleman from Union (Mr. Merrill) says, the governor should have this power to enable him to prevent the passage of unconsti-
tutional laws, or else he may refuse to execute a law he believes to be unconstitutional. He is sworn to take care that the laws be faithfully executed. That is his duty, and he would be liable to impeachment for refusing to carry a law into effect, which had been constitution-
ally passed, as he ought to be. It is not his business to decide on the constitutionality of a law after it is passed. The gentleman says if two-thirds of both branches should pass the bill, it would be strong evidence the Governor was wrong: but he proposes that if the bill should not be passed at the first session, it may be passed by a major-
ity at the next session. Neither of these can remove the scruples of the Governor, and he will have just as much reason and justifica-
tion for refusing to execute a law, if he thought it unconstitutional, when passed by two-thirds, or at the next session, as if it passed by a majority at the first session.

I am opposed to the amendment of the gentleman from Butler. According to established opinions in this country, the legislative de-
partment of every government should be divided into two branches, each entirely beyond the control of the other. This is the case in the government of the United States, and in every state in the Union. In joint meeting, the voice of the senate might be controlled and drowned, although every member of that body might concur with the Governor after hearing his objections. There is no state which has a similar provision in its Constitution.

I confess I could not see the force of the remarks of the President in favor of two-thirds. He says it is better to have laws arrested by the Governor, than to have them brought before the judicial tribunals to decide on their constitutionality. If the Governor must necessarily have been on the bench of the supreme court, or be learned in the law, it might do to lodge such authority with him. We have had, it will be conceded, but one Governor entirely competent to decide such questions, and perhaps will not soon have another. He has also said that our legislation has been remarkably free from unconstitutional acts, and that no law of this state has been set aside by the court of last re-
sort. But this was owing to the veto power, and it is a strong argu-
ment in favour of leaving the exercise of the legislative power to the two houses uncontrolled by the Governor. These laws were all pass-
ed by the legislature, and perhaps some without the executive sanc-
tion. He likewise says, the practice has been to select for senators, men of talents and experience—persons who had been members of the house of representatives, and skilled in the business of legislation.

This is true, and surely a majority of a senate composed of such men may be depended on. They would be quite as competent to decide upon a law as any Governor.

The gentleman from the city (Mr. Hopkinson) says, when we refer to other States, we must inquire into the analogy of the subjects; and he tells us that the reason the Governor of New Jersey is not re-
quired to approve bills is, that he does not exercise the executive au-
thority—that that is exercised by the Council; and that the Governor is not chosen by the people, as in Pennsylvania. But let us remem-
ber, that that Council is composed of a number of persons—that it is, in fact, the Senate of New Jersey, and bears about the same propor-
tion to the Assembly as our Senate does to our House of Representa-
tives; and that the members are elected by the people as our Sena-
tors are, and have a like voice in passing laws. The objection is to the investing one man with an authority which enables him to set at defiance the voice of both branches of the Legislature, and thus de-
fend the public will, no matter whether the individual is or is not the executive of the State.

It is a well settled principle, that the legislative, executive, and judi-
cracy departments should be kept as distinct as possible. The go-
vernor should never be any part of the legislative department: he is
never chosen with reference to legislation. In nine States, viz: Vir-
ginia, Delaware, New Jersey, North Carolina, South Carolina, Rhode Island, Ohio, Tennessee and Maryland, the governor has no control whatever over the passage of laws. In the first seven, he does not even put his signature to the bills: in the last, he is required to sign the law; but has no control or negative. In seven other States, viz: Con-
necticut, Kentucky, Indiana, Illinois, Alabama, Missouri, and Ar-
kansas, the governor must sign the bill when it passes both houses, if he approves; if not, he is to return it with his objections, as in this State; and if the bill afterwards be approved by a majority of all the members of each house, it shall be a law. So that in two-thirds of the States of this Union, the governor is not allowed to control the majority of each house in any matter of legislation. The opinion of the people of these sixteen States is entitled to very great regard. They have been found on mature consideration and reflection. They may be taken as the deliberate judgment of two-thirds of all the people of this country, that the Executive of a State should not be vested with a legislative power and veto power, like that given by the present Constitution to the Governor. I most approve of the provisions of the Constitutions of the last mentioned States, and, perhaps, from the circumstance of being last framed, they are entitled to the greatest regard. I think when a bill has been matured in both houses, it should be submitted to the Governor for his opinion. He is charged to see the laws are faithfully executed, and from his situation may be in the
Mr. STEVENS moved that the resolution be indefinitely postponed.

Mr. MAGEE, of Perry, said, the subject of this resolution is one which has attracted the attention of many of my constituents, some of whom have urged me to bring the proposition before this convention. I have had conversation with some of the members of this Convention in relation thereto, since I came here, most of whom have desired its consideration. I am not, however, very tenacious about it, further than to discharge what I conceive to be a duty. I owe to those whom I have the honor to represent, and to have the good sense and discretion of this body expressed on the subject. Therefore, respectfully ask a committee on the subject. The demand is not an unreasonable one: such a course will be but an act of courtesy and justice toward a portion of the members of this body and their constituents.

Mr. MANN asked for the yeas and nays on the motion.

Mr. STEVENS said he moved the indefinite postponement of the resolution, because he thought it would be disgraceful to the Convention to consider the proposition at all. It was too late in the day for us to enter upon an inquiry whether any human being coming into this State was not entitled to be received under its protection. It would do very little credit to the head or heart of this body, to countenance a proposition which was so totally hostile to the principles of the Declaration of Independence, and of the bill of rights. He was opposed to giving it so much countenance as to enquire into the expediency of making such a provision.

Mr. RUSSELL hoped the consideration of the resolution would not be indefinitely postponed. This was a subject of interest and anxiety to the people of the southern part of the State, where much inconvenience was suffered by the immigration of negroes liberated in Virginia and Maryland.

The question was then taken, and the motion to postpone the resolution indefinitely was lost, by the following vote:

YEAS—Messrs. Agnew, Ayres, Baldwin, Barnitz, Bell, Diddle, Brown of Lancaster, Carey, Chambers, Chauncey, Clark of Beaver, Clarke of Dauphin, Cleavinger, Clinge, Coates, Coeburn, Cope, Craig, Cunningham, Darlington, Denny, Dickey, Earl, Gamble, Hamlin, Harris, Hayhurst, Helfenstein, Henderson of Dauphin, Helster, Hopkinson, Hoop, Ingersoll, Konigsmeier, Maclay, M'Cull, M'Gann, Meredith, Montgomery, Pennyacker, Pollock, Porter of Lancaster, Reigart, Riter, Saeger, Scott, Serrill, Sill, Stevens, Todd, Young, Sergeant, President—53.

Mr. DARLINGTON moved to amend the resolution so as to embrace a provision preventing the immigration of "all foreigners" into this state.

Mr. MAGEE demanded the yeas and nays on the motion.

Mr. DICKEY moved to postpone the resolution for the present, in order to proceed to the orders of the day.

Mr. SHELLITO hoped it would not be postponed.

Mr. DICKEY demanded the yeas and nays on the question of postponement.

Mr. CUMMIN rose to make some remarks on the amendment offered by the gentleman from Chester, (Mr. Darlington.)

He was opposed, he said, to a resolution placing "foreigners" among slaves and negroes. Why the gentleman had made such an association of colours, he was at a loss to comprehend, and why he had taken such means for casting a reproach on "foreigners." In the revolutionary war, foreigners were not treated in this manner. They then stood on high ground, and shared as largely in public confidence as any of those who took a part in the struggle for independence. Take any of the foreign officers in our service, during that war, and ask whether they were entitled to the confidence of the American people or not? Who was Lafayette, but a foreigner? Look at the long list of English, Irish, Polish, and French soldiers who came to our aid, and then say whether taunts are to be thrown out at foreigners from those who, perhaps, would themselves, in the hour of trial, have shirked behind the curtain. It had been very common of late, in some quarters, to raise an outcry against foreigners. His own relations fought in the war of independence, and shed their blood in defense of the revolutionary cause; and were they foreigners, and, like himself, natives of the green sod of Ireland. He would defy the gentleman to point to a single instance in the history of this war, where an Irishman proved to be a recreant or a traitor. If any people under the wide canopy of heaven, were entitled to an asylum in this land of liberty, it was the Irish people. They did not come here as beggars; they came as freemen, to make use of their industry as their means of support; and were always foremost to defend the rights of the country against any aggression. To associate such a people with the blacks was an insult not to be endured. He was sorry that he had not sufficient education and practice in speaking, to resist this proposition effectually. If he had that advantage, he would advance such arguments as would put to shame and confusion this proposition and its authors.

Mr. DARLINGTON was sorry, he said, that the gentleman had supposed that the proposition was intended as a reproach upon any race of our adopted citizens; such was not the import or object of the amendment. Far be it from him to cast any reproach upon so valuable and patriotic a portion of citizens. His own ancestors were not from Ireland, but they were from England, and he had none but the most respectful and kind feelings for the people of those countries who become our citizens. But his object was to have an inquiry into relation to the introduction of paupers into this country, from various countries of Europe. In the newspapers, during the last few days, he had seen accounts of the landing of several ship-loads of paupers from New Jersey. This had become a crying evil, and it was an increasing one. Hordes of foreign paupers were, every year, sent over from Europe, and landed on our shores. He proposed an inquiry into the expediency of preventing this nuisance.

Mr. MEREDITH suggested that the subject belonged, under a rule of the House, to the committee on the bill of rights.

Mr. INGERSOLL wished to ask the mover of the amendment whether he supposed we had the power, looking to the Constitution of the United States, to exclude foreigners from migrating into the State?

Mr. DARLINGTON said, it was equally within the power of the State to exclude them, as it was the immigration of blacks from other States.

Mr. STEVENS requested the gentleman from Chester to withdraw the amendment, in order to take the vote again on the motion to postpone the resolution for the present.

Mr. DARLINGTON withdrew the amendment, and the further consideration of the resolution was postponed for the present.

FIRST ARTICLE.

The Convention resolved itself into a committee of the whole, on the reports of the committee on the first article.

The report of the committee in favor of retaining, without alteration, the following section of the first article, being under consideration:

"Every bill which shall have passed both houses, shall be presented to the Governor. If he approve, he shall sign it; but if he shall not approve, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon their journals, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which, likewise, it shall be reconsidered; and if approved by two-thirds of that house, it shall be a law. But, in such cases, the votes of both houses shall 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. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall be presented to him, it shall be a law, in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return; in which case, it shall be a law, unless sent back within three days after their next meeting."

Mr. KEIM moved to correct the minutes of the committee of the whole of Monday afternoon, in relation to a motion made by Mr. Heister, and, after some conversation, the motion was rejected.

The question being on substituting for the report of the Committee on the 22d section, the following minority report on that section:

"The minority of the committee to whom was referred the first article of the Constitution, report that it is expedient to so alter the 22d and 23d sections of the said article to read as follows:

Sec. 22. "Every bill which shall have passed both houses shall be presented to the Governor; if he approves, he shall sign it; but if he shall not approve, he shall return it with his objections within ten days after it shall have been presented to him, and his objections shall be entered at large upon the Journals of the house in which the
bill originated; upon which being done, the Senate and House of Representatives shall in joint meeting proceed to reconsider the said bill; and if, after such reconsideration, two-thirds of said joint meeting upon joint ballot shall agree to pass the bill, it shall be a law. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law, in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return.

Sec. 23. Every order, resolution, or vote, to which the concurrence of both houses may be necessary (except on a question of adjournment) shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved shall be repassed by two-thirds of both houses in joint meeting, in joint meeting for that purpose assembled.

Mr. EARLE said, this was a question of great importance, involving in its bearings the primary principles upon which governments of different kinds were founded. That having first determined these principles in our minds, we should carry them out consistently in all the departments. He, therefore, craved the patience of the Convention during the examination which he should give to the subject.

The doctrine upon which the veto power was based, was that of checks and balances, as they had been termed: a good doctrine, rightly understood and applied, but dangerous when misunderstood and misapplied. This doctrine, as held by different people, was founded on two principles.

1. That of checking the people themselves.
2. That of checking their representatives.

The doctrine of checking the will of the people was divided into two branches: The first branch proposed temporary checks upon the will of the people, on the ground that, as every man was liable to err, so the majority of a State might temporarily err under some strong excitement or misinformation. This was a sound assumption; hence it was proper that the people should adopt some check upon hasty action; the check that had been devised for this purpose was the Senate, to be elected according to the decision of the Convention, for the term of three years, so that not more than one-third would be chosen under the influence of a sudden excitement. This was a powerful check, and in a great State, like this Commonwealth, this check was the more operative from the difficulty of extending an unreasonable excitement over the whole country. The people of different counties, in fact, checked the excitations and errors of each other. This check, with that of the Senate, might be aided, perhaps with propriety, by a temporary vetoing power in the Governor; and hence, he was willing to support the veto of the Governor, operating for one year, unless overruled by two-thirds of the Legislature.

The second branch of the doctrine of checking the people, extends to a somewhat permanent and insurmountable check upon their will. This is the doctrine of aristocracy and of monarchy: it is founded on the supposition of incapacity in the people; that they know not and will not pursue their own good, at least not so well as some select body: in fact, that the minority is more likely to be right than the majority. He did not believe in this doctrine, and he would therefore make the veto but a temporary check. Were we even to admit that select bodies and minorities had more talent and learning than the mass, it did not follow that they would more faithfully pursue the good of the whole: it did not follow that they were free from all bias of selfishness; that they could judge impartially and act correctly for the interests of those whose situation in life and whose interests were different from their own. Were either the nobility of one country or the slave-holders of another the best judges and the safest protectors of the interests of the commonality and of the slaves? The tax payers and the tax receivers were different in interest, and viewed things differently.

The second use of checks, and by far the most important, was to control—not the people, but the people's representatives, or agents—in order to prevent them from betraying their trust, and injuring the republic. In this view, the two houses of the legislature were useful as checks on each other, and the veto of the Governor was here most important as a check upon the other two branches. But while we interposed a check, we should not create a tyrant—we should not enable a Governor, misrepresenting those who elected him—or a Governor chosen by one-third of the people, as might happen under our Constitution, to overrule, for three years, the deliberate wish of a large majority of the people. It had been said, in the debate, that the Governor represented the whole people; we know it is not necessarily so. If fifty-one members of assembly out of one hundred, may misrepresent them, is it not still more likely, that a single indi-
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(Continued from Friday.)

individual may do it? And one-third of the Senate chosen for the term of three years, by a vote of one-sixth of the people, or thereabout, might overrule the majority of the Senate, the representatives, and the community for a long time, unless we put limits to the operation of the veto. He would therefore permit a majority of the Senate and two-thirds of the House of Representatives to overrule it in the first instance, and a majority of both Houses to do it at the end of a year, and after a new election by the people, with the subject fully before them.

Certainly the evidence of experience tended to show that this was a sufficient check: Some States had done well without any veto at all. The gentleman from the city (Judge Hopkinson) had said, that the veto power was not given to the Governor of New Jersey, Virginia, and North Carolina, because they were elected by the Legislature. This was merely giving a reason for the policy of their Constitution; but it was no answer to the argument, that States might do very well even without a veto power. It did not prove that they suffered great evils from its absence.

As a question of principle, a permanent veto was wrong, and as a question of expediency, it would be found, by experience, that the suspensive veto operating till a new Legislature should meet, was all sufficient, and better than the present provision. He would examine some of the noted instances of exercise of the power, and see if it were not so.

One was that of the veto of the bank of the United States by the late President. The friends of the bank alleged, and still allege, that this veto was a pernicious measure, and they believe that, after years of intestine strife, we shall have another such institution established.

If, on their own grounds, they must admit that in this case there could be no advantage in extending the operation of the veto to control a Legislature subsequently elected. The other party—those who agreed with him (Mr. E.) that the veto of the bank was a wise measure, and who believed that the people were of that opinion—maintained all that they could wish, by its operation on the Congress which first passed the law; for the subject was presented to the people, and they elected them, as they had done since, a congress opposed to the bank.

Governor McKean, of Pennsylvania, had vetoed several bills, some of them on the ground of unconstitutionality, and yet the same measures, substantially, had been since passed, and were now the law of the land, to the great satisfaction of the people. He had vetoed the law extending the jurisdiction of Justices of the Peace. It was passed after he went out of office, and has now been the law of the land for twenty-seven years: So with the arbitration system, which the same Governor had vetoed. Thus we find that this great man, when opposed to the people, was in error, and the people were right. If the veto had been merely suspensive for one year, the people would never have attained their wishes, and needless discontent would have been avoided.

Gentlemen had several times referred to the case of the 28 and the 42 banks, vetoed by Governor Snyder, as affording an argument in favour of the permanency of the operation of the veto. Had they well weighed the matter, he (Mr. E.) imagined they would have found that instance furnished a strong argument against their theory. The bill, as first passed, provided for 28 banks. Had the veto operated only to suspend for one year, then the 28 banks only would probably have been chartered at the next session. But, as it was, it was necessary to obtain two-thirds to overrule the Governor. Consequently 14 new banks were added, in parts where there was not business calling for them, and this for the purpose of getting votes enough to make up two-thirds of the Legislature. He would venture the opinion, that it would be found, on examination, that the banks which afterwards failed, were principally, if not altogether, among the fourteenth which were added to get rid of the operation of the veto. Thus, if the 42 banks were necessary, the veto produced no good: if they were an evil, it produced much harm; for it aggravated the evil from 28 to 42. It would be found that those States where no veto power existed, did not go into the banking system at that time, with so much extravagance as some of those where it did exist.

Governor Ritter had vetoed the Girard bank bill. This had been of no use; for the bill passed. He had lately vetoed an internal improvement bill: In this case, the suspensive veto for one year would have answered every purpose; and if our Constitution had provided like that of Vermont, that the Governor might suggest amendments which would make the bill acceptable to him, the result would have been its passage in a modified form, so that it would have now been promoting the welfare of the people of Pennsylvania.

If a bill is vetoed upon proper reasons, the general consequences will be, that a majority of the Legislature will not afterwards pass it. Many instances in support of this position may be cited. If, however, the Legislature do pass it, and one subsequently chosen re-pass it also, the presumption is that the Governor is in error, and opposed
to the popular will; and it is safer that that will should prevail, at
the risk of some error that may be rectified when discovered, rather
than to produce that discontent, repining, strife, and exasperation, and
that danger of civil commotion and revolution, which will arise from
a consciousness, or a belief, among the people, that their sovereignty
is set at naught.

If we were to dam up the Susquehanna, with a view to stop its
current forever, we should soon find it to demolish all barriers, carry-
ing havoc and destruction in its course. So it might be with too
much restrain on the people. It would only induce them to go fur-
ther than they would have gone, if left to themselves. If left untramm-
elled, they acted as was observed by that great political writer, Mr.
Locke, and repeated in the Declaration of American Independence—
they would suffer evils while they could be endured, rather than rashly
change their institutions. This was always the popular disposi-
tion, and hence we found that the most stable governments, laws, and
habits on earth, were those where, as in Achaia, some cantons in
Switzerland, and some states of this Union, the power of government
and of change resides with the people. The Swiss cantons, such as
Appenzell, where all officers, including judges, are elected annually by
the people, have been stable in their laws and their liberty, perhaps
for more than a thousand years. Rhode Island, that elects its repre-
sentatives every six months and all other offices annually, is stable
in its laws and habits, and with the constant power of change, the
people have continued to this day those institutions which existed
nearly one hundred and fifty years since. But all attempts to pre-
scribe peace and order, by the system of permanent paper of change, the
people, have produced nothing but tyranny, strife, and civil commo-
tion, such as is found in the whole history of the Roman Republic,
and of all mixed governments.

The gentleman from Allegheny (Mr. Forward) has said, that we
do not advance a step in the argument, until we prove that fifty one
representatives out of one hundred, are always right. By this rule
he cannot advance a step in his argument, till he proves that one man,
a governor, is always right. We admit that both may err, and hence
we would have the people decide between them, at a subsequent elec-
tion. But he would have a governor and twelve senators override
twenty-one senators, one hundred representatives, and the people them-
selves, for three years in succession.

The President of the Convention has asked us to inquire, whether
States which differ from us in their institutions are happier and more
prosperous than ourselves? Were they not, it would not follow
that they might not be better, so far as some one feature of their Con-
stitution might operate. I suppose he does not hold that the Constitu-
tion of any one of our sister States is perfect in all its parts. Is it
likely, then, that that of Pennsylvania alone is perfect? If not, let us
improve it where it is defective. Making the comparison to which
we have been invited, we find that New York, which had less popu-
lation than Pennsylvania, at the formation of our national government,
had now forty-two members of Congress to our twenty-eight; and
that her most rapid progress has been since the adoption of a more
democratic Constitution in 1821; and that Ohio, which was a wilder-
ness when Pennsylvania was a great State, now treads close on our
heels, and that she carried through her internal improvements—w ith
superior skill and energy. We find that emigrants prefer the institu-
tions of those States; that the counties on their sides of the State lines
were settled more rapidly than ours; and that the people of Pennsyl-
va, in all the counties and townships bordering on those States,
gave enormous majorities for the change of our Constitution, while
those of the interior, who could not so well compare institutions, voted
against it.

These examples should prompt us to go onward in the work of re-
form; and, while we check hasty action in the Legislature, by a con-
temporary veto, place the effective sovereignty in the hands of the people,
without unreasonable delay.

Mr. CLARKE, of Indiana, supported the amendment on the
ground, that it was proper for the people to know, before another
election was held for representatives, what the reasons of the Gov-
ernor might be for withholding his signature from a bill. There was
no way now in which they could know. He said that he had been
written to since he had been in Harrisburg, to find out whether a bill
that was passed near the close of the session of the last Legislature,
had been signed by the Governor. The bill was signed—but it
showed that the people had no proper way to become informed in rela-
tion to bills passed within the last ten days of the session. One
reason why they should either be signed, or notice given that they
would not be, was the distribution of the laws in June, that no laws
of the same session should be left. It was also due as an act of
justice to the Governor. Supposing an election is coming on—a bill
held back by him, without his reasons, might operate against him,
when, if his reasons were given, they would be perfectly satisfac-
tory. He hoped that the amendment would be agreed to.

The second clause in the amendment of Mr. STERIGERE was
then agreed to.

Mr. DICKEY said, that as this amendment had been agreed to
he hoped that the report of the committee would be negatived.
There was no member of the Convention who could point out any
great inconvenience that had been felt, in consequence of the part
of the Constitution. The people had, in no instance that he knew
of, demanded any such amendment as the one just agreed to. It
was right to give the Governor the time allowed him by the Constitu-
tion to consider the bills presented to him for signature, The gentle
man from Indiana has said, that he has been written to for information
in relation to a bill, which was passed during the last ten days of the
session, and which was held over by the Governor. It seems that
the bill was signed, and no inconvenience had been experienced in
that case. It was unnecessary to file the reasons of the Governor
at the office of the Secretary of the Commonwealth, as they could
be known by calling at the executive chamber.

On motion of Mr. GAMBLE, the committee reconsidered its
vote on agreeing to the first division of Mr. Sterigere's amendment
when he withdrew the other division.

Mr. HEISTER then moved to amend the amendment, by adds
the words "all the members of'" after the word "majority," so
as to require a majority of all the members of both Houses, what
are present or absent.
This motion was negatived.

The vote was then taken on the amendment of Mr. Merrill, giving only to the Governor power to suspend a bill until the next Legislature, unless passed by two-thirds of both Houses, when it shall become a law without his signature, if passed by a majority of both Houses, when it was negatived by the following vote:


The committee then arose, and the Convention adjourned.

FRIDAY AFTERNOON, June 9, 1837.

The Convention met again at 4 o'clock, P.M.

Mr. PORTER, of Northampton, offered the following resolution, which was considered and adopted:

Resolved, That the Rev. G. D. Abbott, agent of the American Society for the Diffusion of Useful Knowledge, be allowed the use of this Hall, this evening, at 8 o'clock, for the purpose of delivering an address upon the objects and aims of the society.

The Convention then again resolved itself into the committee of the whole on the first article of the Constitution.

The question recurring on the report of the committee deeming it expedient to make any alteration in the 22d section, relating to the veto power,

Mr. CRAWFORD moved to strike out "two-thirds," and insert "three-fifths," as necessary to pass a bill without the signature of the Governor.

This motion was negatived.

Mr. STERIGERE then moved to amend the amendment, by striking out "one-third," and inserting "three-fourths," as necessary to pass a bill without the signature of the Governor.

This motion was negatived.

Mr. STERIGERE then moved to amend the amendment, by striking out "the Governor file the bill, together with his objections, in the office of the Secretary of the Commonwealth, within ten days after the adjournment of the Legislature, and cause the same to be published in at least one newspaper at the seat of Government.

Mr. STERIGERE remarked, that, as the Constitution now stands, the Governor might, to use a common phrase, put a bill in his pocket, and retain it until the meeting of the next Legislature, without his reasons being known. This amendment was intended, by requiring the Governor to file the bill, together with his objections, in the office of the Secretary of the Commonwealth, and also to require his objections to be published, to give information to the people before the election of the next Legislature, which was to pass upon the bill. The gentleman from Beaver thought that no practical use could arise from such an alteration. The arguments of the gentleman from Indiana were a complete answer to that objection.

Mr. STEVENS said, that he did not think that the amendment would be any improvement to the Constitution. He did not believe that the Governor had a right to sign bills during the summer, after the adjournment. He understood that, in one or two instances, bills had been so signed; but he believed it was wrong, and that bills should be signed during the session of the legislature, or not at all. Supposing this amendment should pass, and become a part of the Constitution, and a private bill in which a great number of interests were united, should be held over by the Governor as objectionable. If his reasons were published and known, those interested in the bill would have an opportunity to operate on the new legislature before they assembled, and an undue influence would be exercised. He believed that the amendment ought not to prevail.

The vote being taken, the amendment of Mr. Sterigere was lost.

Mr. EARLE then moved to amend the amendment by substituting the following:

"If any bill shall be passed by 23 successive legislatures, it shall become a law without the signature of the Governor."

The vote being taken, the motion was lost.

The report of the committee, deeming it inexpedient to make any alterations in the 22d section of the first article, then passed.

The report of the committee, deeming it inexpedient to make any alteration in the 23d article, was then read and passed.

Mr. STEVENS then moved to amend the report of the committee, by adding the following as an additional section:

"No member of this Convention shall hold any office under the amended provisions of this Constitution."

Mr. EARLE moved to amend the amendment by adding at the end, "except those from the county of Adams."

This motion was agreed to.

Mr. STEVENS supported his amendment on the ground that if such an article was inserted in the first article of the Constitution, before the articles relating to the Executive patronage and the Judiciary were considered, it would show to the people, that those who created vacancies did not do it for the purpose of filling them themselves. He thought that the members of the Convention should undertake the work of pulling down the edifice reared by the fathers of the Commonwealth with clean hands and pure hearts.
Mr. EARLE did not think that it was the duty of pure patriots to shun public employments. The gentleman had this morning voted to retain the permanent veto of the Governor, and he did not know but the gentleman might one day use it himself.

Mr. WOODWARD thought that the amendment was out of place. It should not have been offered to the first article.

Mr. BELL remarked, that the amendment was characteristic of that gentleman. He could not but admire his extraordinary disinterestedness. The position which he held in his party certainly would make such an article in the Constitution a very great sacrifice. For himself, the sacrifice was nothing—he claimed no extraordinary talents, and if it did not affect others, he could willingly vote for it. But the gentleman from Adams would be a great sufferer, and perhaps, he might not offer it in this place. It belonged more to the gentleman from Adams.

Mr. CRAIG said, there had been a report on this subject from the committee on the 9th article, which would come up at a proper time; and, if we took the proposition of the gentleman, it would be giving an individual freedom over the committee. The question being taken, the motion was negatived.

Mr. STERICGKE then offered the following amendment to the report, to come in as a new section:

"No Bank, Rail-road Company, Navigation or Canal Company, shall be chartered, unless three-fifths of each branch of the Legislature concur therein. No bank shall be chartered with a capital of more than two millions and a half of dollars, unless two-thirds of each branch of the Legislature concur therein; nor with a capital of more than five millions, unless three-fourths of each branch concur therein. Nor shall any bank be chartered with a capital greater than ten millions of dollars, nor for a longer period than ten years, unless the law chartering the same be passed by three-fifths of all the members of each House at two successive sessions of the Legislature, and be approved by the Governor, in which case the bill which may be passed the first session shall be published with the laws enacted at such session. No bonus shall be required or allowed to be paid by any bank to the State for the corporate privileges granted to it; and any law chartering or re-chartering a bank, which provides for the payment of a bonus for such chartered privileges, shall be wholly void; but all sums of money required to be paid by any bank for such privileges, shall be a yearly or half yearly tax on the profits or stock of the Company."

Mr. STERICGKE was very sorry, he said, that this amendment came up at so late an hour in the evening; but that was a matter beyond his control. He would briefly submit his reasons for offering the proposition. One reason was, that all corporations interfered with the rights of the people. No bank or canal could be chartered without an interference with individual rights, to a greater or less extent; and, therefore, he proposed to require that there should be a vote of three-fifths of the legislature in favor of the law. It seemed to be preferred that there should be an expression of opinion even stronger than a vote of three-fifths in favor of a bank of large capital. Till lately, there shall never been a bank in this State of larger capital than two and a half millions. He proposed, also, that no bonus should be required. A bonus was nothing but a bribe—a legislative bribe for a banking or other privilege. He would take another opportunity for going more fully into the subject.

Mr. KERR said, this subject had been referred to a standing committee, and three or four reports had been made on the subject from the majority and the minority of the committee. At the proper time the subject would come up in a regular way. He hoped the committee would not consider the subject at this time.

On motion, the committee then reported the report of the committee on the first article of the Constitution with sundry amendments.

The Convention then adjourned.
REMARKS of Mr. BELL, in Committee of the whole, in Convention, June 8, 1837, on the Report of the minority committee relative to the 23rd section of the Article of the Constitution.

Mr. BELL said, although in favor of a restriction of the veto power, he could not vote for the amendment of the gentleman from Butler, inasmuch as it proposed to merge the distinct existence of the Senate, as contemplated by the Constitution, in the larger body of the Representatives, in all cases of the return of a bill by the Governor; and this involves us in all the evils attendant on a single branch. Approving of the plan intended to be submitted by the gentleman from Montgomery, (Mr. Sterigere,) if the amendment now offered were negatived, and the whole question being open for discussion, he would take the opportunity to lay his views before the committee.

As the question under consideration was one of great magnitude, he trusted that it would be calmly and dispassionately discussed, and decided without passion or prejudice, and entirely free from party spirit. He had said it was an important question. It was so, because it was one, not of expediency, but of power, and so involving principle. It, in truth, embraces and brings to the view of the committee and the country, the inquiry whether it is proper we should perpetuate a provision which violates a fundamental characteristic of our system—the strict distribution of power among the several branches of the government, according to the Legislature the power of making the laws, to the judiciary the right of expounding them, and to the executive the duty of seeing that they are properly executed. It would, perhaps, be recollected by the committee, that some days since, when the gentleman from Philadelphia county brought forward his proposition to incorporate with the provisions of the Constitution an express declaration to the effect, that the power proper to each branch should be exclusively exercised by that branch, the principle involved in the proposition met with universal approbation, and the proposition itself was rejected only, because it was argued and so thought, that the principle was already recognized by all our existing institutions.

In discussing a question, it is often profitable to trace the history of the subject which gives rise to the question. If this course be pursued in the instance now before us, we shall be surprised to find that the reason given as the principal one for investing a republican Executive Magistrate with the extraordinary power of veto, utterly fails. It is believed that the notion of the veto was derived from a peculiar power exercised by the tribunals of the people of ancient Rome. It was a power conferred on them that they might, at all times, be able to interpose a shield between the commonality—the mass—against the encroachments of a patrician Senate. Strangely enough, the veto, originally intended for the protection of the many against the usurpations of a privileged few, has been engrafted on the British Constitution, to enable a kingly magistrate to defend his kingly prerogative against the apprehended strides of the people towards a more perfect liberty. Under that Constitution, the King is a constituent part of the legislative body. He sits there in his royal, political capacity, and is said to be "caput principis et finis" of the English Parliament. Thus, says a distinguished writer upon English constitutional law: "Every branch of our civil polity supports and is supported, regulates and is regulated by the rest; for the two Houses naturally drawing in two directions of opposite interest, and the prerogative in another still different from them both, they mutually keep each other from exceeding their proper limits;" and he adds, as a result of this arrangement, the legislative power cannot abridge the executive of any of its rights without its consent. The reason, then, of the introduction of this feature in the British Constitution, is to be found in a strong desire to protect the kingly prerogative. Strangely as it may sound, the same reason is given as the primary and leading one for its introduction among the provisions of the Constitution of the United States. The veto was borrowed by the framers of that Constitution from England, and engraven in our system, that the Executive might be able to defend itself against the encroachment of the legislative branch. This is the leading argument used in its favor, by Alexander Hamilton, who, it is well known, was the advocate of a strong Executive, approaching to monarchy. To be sure, obvious propriety suggested a modification of the form as it now exists in England; but experience has shown, that the "qualification" of the executive negative, is almost merely theoretical. [Here Mr. B. read Mr. Hamilton's paper from the Federalist, in which he defends the power of the veto, on the ground that it enables the President to defend himself against the improper action of the Legislature.] Mr. B. continued. He states this as the "primary" reason for the provisions, and introduces as a "secondary," that which is now argued here and elsewhere, as the only reason—the prevention of hasty and unadvised legislation. The reason given as the "primary," has in practice so utterly failed, and what Hamilton branded as efficient paper Constitutions, has proved so efficacious in preventing usurpations, that it has been altogether lost sight of, and is no longer relied on as a ground of defence of this extraordinary prerogative.

Now as to the "secondary" reason. It is to prevent—1. Hasty legislation. 2. Unconstitutional action. Such strong objections have been felt or affected by a large party in this Union, against the exercise of this power, that it has been seriously contended, iterated and reiterated, it should never be exerted, except in the single instance of the passage of an unconstitutional law. The committee cannot fail to recollect the outcry which was raised against the late President of the Union, for his use of this constitutional right, and that, too, by the party to which gentlemen who now oppose any restriction of the veto, are attached. Many reasons might be given why a Chief Magistrate of the Union should be invested with this power, which are not applicable in the case of the Executive of a single State. The President is the Executive head of a confederation of sovereignties of somewhat clashing interests, containing a population differing in manners, customs, and sentiment; legislated for by a body of men drawn from the several States, and representing their several peculiarities, and so liable to come into rude contest, each naturally struggling for the ascendancy and the advancement of its own interests. Placed as the President is to "keep watch and ward" over these various and conflicting interests, it is perhaps proper he should be invested with the power of the magnitude of that under consideration. Certain it is that a large majority of the people of this Union have thought that
the Constitution, it was apparent from the fact, mentioned by several gentlemen of much experience, that, except in cases where the Legislature was clearly in error, and the Governor correctly wrong, it seldom or never happened that a returned bill received the same number of votes on reconsideration, as upon its passage, before being sent to the Executive.

It was no argument to say that this power had never been used for malicious purposes. It was sufficient to answer that it might be so used. It would be easy to imagine cases where it might be wielded by an ambitious and unprincipled Executive, recklessly and without regard to the welfare of the people. But the existence of such a power as the veto in the hands of the Executive, is unnecessary for every useful purpose, as he had endeavored to show, and being unnecessary to confer it, is in direct and violent opposition to the republican maxim, which teaches that the officer should be clothed with no greater amount of authority than is absolutely necessary to carry into wholesome action his appropriate duties. On this ground he (Mr. B.) placed his opposition to this feature in our Constitution, and felt that he was founding it on a sound principle.

SATURDAY, JUNE 10, 1837.

Mr. KONIGMACHET presented a memorial from a numerous and respectable body of citizens, the Seventh day Baptist Society of Snowhill, Franklin county. It may be proper for me, said Mr. K., to state why this memorial has been sent to me. After the memorial from the Society of Friends, was presented praying to be exempted from military duty, knowing that similar consecrations and sacrifices exist with the society of Seventh day Baptists, I wrote to the several congregations in this Commonwealth, informing them, that it was also proper for them to give their views on the subject. I also informed them that a resolution was before this Convention (Resolution No. 55) requiring "a Constitutional provision for the observance of the Sabbath day." In this memorial, they set forth their religious sentiments on with those subjects.

The memorial was read, and laid on the table.
Mr. FLEMING presented a petition from sundry citizens of Norman county, in respect to the election of prothonotaries and other county officers, which was laid on the table.

Mr. G. W. RITER offered the following resolution, which was read and laid on the table.

Resolved, That the Constitution be so amended, that all laws shall by their titles, signify their contents, and no law containing distinct or dissimilar subjects in the opinion of the Governor, shall be signed by him, but returned with his objections on that account to the House in which it originated.

Mr. FRY offered the following resolution, which was read and referred:

Resolved, That the committee on the ninth article of the Constitution, inquire into the expediency of limiting the pension system.

Mr. CHANDLER, of Chester, obtained leave of absence for a few days.

Mr. PORTER, of Northampton, obtained leave of absence for a few days.

Mr. HAYHURST, from the committee on accounts, reported the following resolution, which was considered, and agreed to:

Resolved, That the President be authorized and required to draw his warrant on the State Treasurer, for the sum of twenty-four dollars in favor of Washington Barr, for sixteen days' service as assistant door-keeper, at one dollar and fifty cents per day; and for one hundred and forty dollars in favor of James Potts, for forty days' service as transcribing clerk, at three dollars and fifty cents per day.

Mr. STEVENS moved that the Convention proceed to the consideration of the report of the committee on the second article of the Constitution.

Mr. READ said, the order of the day was the report on the fifth article of the Constitution.

Mr. MEREDITH remarked, that that order had been postponed.

The motion of Mr. STEVENS was agreed to.

SECOND ARTICLE.

The Convention resolved itself into a committee of the whole on the report of the committee on the second article, (Mr. CLARKE, of Indiana, in the Chair.)

The report was read, as follows:

The committee to whom was referred the second article of the Constitution, report the following amendment to it:

Sec. 3. To read as follows—“The Governor shall hold his office during three years from the third Tuesday of December next ensuing his election; and shall not be capable of holding it longer than six years in any term of nine years.”

Sec. 8. Sixth line to read—“He shall nominate, and, by and with the advice and consent of the Senate, shall appoint all officers,” &c.

Make the ninth section read as follows:

Sec. 9. He may at all times require from all, except the judicial officers, written information concerning their offices.

Add a new section, to be called section 10, as follows:

Sec. 10. The prothonotaries, registers, recorders of deeds, and clerks of the several courts, (except clerks of the supreme court, who shall be appointed by the court during pleasure,) shall be elected by the citizens of the respective counties; and the Legislature shall prescribe the mode of their election, and, from time to time, the number of persons to hold said offices in each county, who shall continue in office for three years, if they so long behave themselves well, and until their successors are duly qualified. Vacancies to be supplied by the Governor, until the next annual election.

The 14th section shall be so amended as to read as follows:

“Proceeding of the death or resignation of the Governor, or of his removal from office, the Speaker of the Senate shall exercise the office of Governor: and in case of the death, resignation, or removal from office of the Speaker of the Senate, the Speaker of the House of Representatives shall exercise the office of Governor, until another Governor shall be duly qualified;” and if the trial of a contested election shall continue longer than until the 3d Tuesday of December next ensuing the election of Governor, the Governor of the last year, or the Speaker of the Senate, or of the House of Representatives, who may be in the exercise of the Executive authority, shall continue therein until the determination of such contested election, and until a Governor shall be duly qualified as aforesaid:"

Mr. STEVENS, from the committee on the 2d article of the Constitution, made the following minority report:

The undersigned member of the committee on the second article of the Constitution, dissent from the report of the committee, and makes the following report:

Add the following new sections:

Section. The prothonotaries, recorders of deeds, registers of wills, and clerks of the several courts, (except clerks of the Supreme Court, who shall be appointed by the Court during pleasure,) shall be elected by the citizens of the respective counties qualified to vote at the general election, and shall hold their offices for three years, if they so long behave themselves well; and the Legislature shall provide for the mode of their election, and the number of persons in each county who shall hold said offices: the Governor shall supply any vacancy that shall occur by death, resignation, removal, or otherwise, until such vacancy be supplied by the people, as herein before provided for.

Section. The office of surveyor general shall be abolished, and the duties thereof transferred to the Secretary of the land office.

Section. The public improvements of this Commonwealth shall be under the management of a Comptroller of public works, who shall be annually appointed by the Governor, and shall receive a compensation of not less than ten dollars per annum.

THADDEUS STEVENS.

The two minority reports were read as follows:

Mr. BELL, from the committee on the second article of the Constitution, made the following report:

The undersigned, a member of the committee to which was referred the second article of the Constitution, begs leave respectfully to recommend, as amendments, the following enumerated alterations and additions, to wit:

The second section of the said article ought to be altered so as to read—
Sec. 2. The governor and a lieutenant governor shall be chosen on the second Tuesday in October, by the citizens of the Commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for Governor and Lieutenant Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Senate, who shall open and publish them in the presence of both houses of the legislature. The persons respectively having the highest number of votes for governor and lieutenant governor, shall be elected; but if two or more shall have an equal and the highest number of votes for governor or lieutenant governor, the two houses of the legislature shall, by joint ballot, choose one of the said persons, so having an equal and the highest number of votes, for governor or lieutenant governor. Contested elections shall be determined by a committee, to be selected from both houses of the legislature, and formed and regulated in such manner as shall be directed by law.

The third section of the said article ought to be so altered, as to make its provisions embrace as well the office of Lieutenant Governor as that of Governor.

The phraseology of the fourth section ought to be so altered, as to read—

"or shall be established by law."

The fourteenth section ought to be altered so as to read—

Sec. 14. In case of the death or resignation of the Governor, or the removal from office, the powers and duties of the office shall devolve on the Lieutenant Governor for the residue of the term and the term of the election of the Lieutenant Governor shall also be contested, and the trial of such contested election shall continue longer than until the said third Tuesday in December, the Governor of the last year, or the speaker of the Senate, who may be in the exercise of the executive authority, shall continue therein until the determination of such contested election, and until a Governor shall be duly qualified, and shall be established by law.

While acting as Governor, the Lieutenant Governor shall receive the same compensation as is, or may be, allowed to the Governor.

A new section to be numbered "fifteen," ought to be introduced, and to read—

Sec. 15. The Lieutenant Governor shall be President of the Senate, but shall have only a casting vote therein. While acting as President of the Senate, he shall receive double the compensation paid to a Senator. If, during a vacancy of the office of Governor, the Speaker of the Senate shall act as Governor, until the vacancy shall be filled. While acting as Governor, the Speaker of the Senate shall receive the same compensation as is, or may be, allowed to the Governor.

Thomas S. Bell.

The first section of the second article was read, as follows:

Sec. 1. The supreme executive power of this Commonwealth, shall be vested in a Governor.

Mr. STEVENS moved to amend the section by inserting a new section, to be called section first, providing that no member of this Convention shall hold an office under any amended provision of this Constitution, leaving them eligible, as heretofore, under any unamended provision thereto.

Mr. STEVENS said he did not wish to produce the same kind of scene that was enacted here yesterday; and, therefore, should not offer any further remarks in support of the amendment. He contented himself by simply calling for the yeas and nays on the motion.

Mr. REIGART said, that when the delegate from Adams had offered this as a new section yesterday, he had some doubts as to the propriety of it; but on reflection, he was induced to change that opinion. It will be recollected, (said Mr. R.) that many members of this Convention propose to limit the appointment of the judicial officers to a term of years. This will necessarily create many and frequent vacancies. It is proposed, also, to take from the Governor the power of appointing the prothonotaries, registers, recorders, clerks of courts, &c., and to give it to the people, and let them elect these officers. It has also been proposed to elect the justices of the peace, and perhaps some other officers. Under the amendments which we shall, in all probability, propose to the people, there will be many elective offices created, and many others will be frequently vacated. Now, as the best evidence of our sincerity here, and to convince the people that we at least conceive ourselves to be wholly disinterested in what we propose to them for adoption, let us divest ourselves from all interest in this matter: let us show to our constituents, if we believe that the Constitution requires amendment, we are prepared to forego the temptations of office, honor, and emolument—to sacrifice every selfish sentiment, before we enter on the great work entrusted to us.

We can then, at least, come before the people with clean hands and pure hearts. In a word, let us endeavor to be not only pure, but entirely unsuspected. By this course, we infallibly recommend whatever we may do, to the attention and respectful consideration of our constituents: they who have sent us will do us the justice to say that we have given the best pledge of our sincerity. 'Tis true, they have not required it but that is no reason why we should not give it. If we believe it to be right. For myself, if all were stricken out of the proposed amendment except judicial offices, and if the section referred to those offices alone, as a member of the profession of the law, I would most cheerfully vote for the section. Many of that profession are members here: they could not possibly give higher or more conclusive evidence of their sincerity than inserting this self-denying section. The members of this Convention have taken no oath to perjure themselves, nor pay to perjury their duties with fidelity. It is true, they could have taken. As the Lieutenant Governor shall die, resign, or be removed from office.
CONVENTION PROCEEDINGS.

(Continued from Saturday.)

As then give to the people something more than mere words; let us give them a positive, unequivocal act; such an one as cannot be mistaken by the people. I am aware, sir, that the framers of the old Constitution made no such sacrifice; but, sir, we are still not without precedent the 18th section of the 1st article of the present Constitution, imposes a disqualification on the members of both branches of the Legislature to offices created or emoluments increased during their membership. It seems to me, sir, that such of the members as belonging to the legal profession have now an opportunity to show their disinterestedness, and which I really hope they will not fail to put into practical operation. Until I hear some strong reasons urged against the proposed section, I for one shall record my vote in favor of this self-denying section.

Mr. PURVIANCE opposed the motion as unprecedented and unnecessary. It would place us, he said, in a ridiculous posture, if no amendments were offered, and none adopted. He approved highly of this self-denying policy; but he deprecated the denunciations with which it was accompanied of a particular class of men, the lawyers, against whom it was easy to excite a prejudice. He referred to what had been said by the gentlemen from Franklin and Adams, in respect to lawyers, and remarked that it looked too much like courting popularity. Mr. DUNLOP and Mr. STEVENS disclaimed any hostility to the lawyers, or any imputations upon them.

Mr. PURVIANCE said the proper time for an amendment of this sort, would be after we had made amendments to the Constitution.

Mr. FLEMING spoke in support of the motion. He asked the radical democrats here, whether they were to be frightened from their course by this amendment? Was there a radical, a democrat on this floor, who wanted an office under the fundamental law he was making? If so, he was not fit for the duty he had undertaken. He would, at once, vote for the motion, and show the people that he wanted no office, and that he did not seek to gain his bread in that way. Any one could see that the object of the motion was to deter the Convention from making amendments; but he trusted that, for that very reason, it would be unanimously sustained.

Mr. SHELLITO said, he was now standing on the brink of the grave, and this was the last office he should ever hold. He could, therefore, speak with disinterestedness on the question; and he would say that it was a proposition to shackle the people, and prevent them from availing themselves of the services of those whom they preferred as their servants. It was evident that the object of the mover was to prevent the lawyers in this house from voting for any amendments; and he considered such a proposition as a disgrace to the body.

Mr. EARLE said, his radical friend from Lycoming had said little confidence in his self-denial; that he wished to bind himself, by the provision, not to take an office. He was like the man who cried out, "hold me, or I shall strike him." He (Mr. E.) was not so distrustful of himself, his colleagues, or his radical friends here, as to think it necessary, in advance of any action of this body, to say to the people that we are so corrupt, hypocritical, and interested, that we must bind ourselves not to take any office from you, which we may propose. The proposition was too absurd for serious consideration, and its object was too plain to need any comment. He had heard much of grovelling demagogueism; but he had never before seen so striking an instance of it. As he did not wish to deprive the Commonwealth of the eminent services of one of her most disinterested patriots, he would move to amend the amendment by excepting the gentleman from Adams from the operation of the provision.

Mr. DARLINGTON, of Centre, opposed the motion with much earnestness. We had been frequently, he said, met with the objection, whenever any reform was proposed, that the people had not desired it. He would ask the gentleman from Adams, if the people of his county, or of any other, had demanded the adoption of this self-denying principle? For himself, he was too old ever to take any office; but
he would not deprive the people of the privilege of electing any of the members of this body in whom they might have confidence. To put a barrier in the way of the young members of this body was, he thought, ungenerous towards them, and unjust towards the people. He would not deprive the people of the services of the mover of this proposition himself.

Mr. BUTLER moved to amend the amendment by inserting the words "except members of the General Assembly."

Mr. STEVENS accepted the amendment as a modification.

Mr. BELL said he wished to ask whether the clause embraced the office of Governor of the Commonwealth. Though not very ambitious, he would not like absolutely to cut himself off from serving the people in the office of Governor; and he presumed the gentleman from Adams did not wish to exclude himself from that office. In regard to the justiceship, &c., they were of little importance.

Mr. STEVENS replied that it would depend upon the provisions hereafter adopted by the Convention, whether the gentleman would be eligible or not. He commented on the manner in which the proposition had been met in some quarters, from which, he said, it should have expected a different course. It was not for any one here to accuse him of demagoguery: he had sometimes been accused of too little regard for the people, and he cared as little for the one charge as the other. No such charges should ever deter him from offering any proposition which he thought correct, and it was for his constituents to judge whether it was a popularity-seeking project or not. He vindicated the proposition from the objections made to it, and contended, that, so far from being an imputation on members of this body, it would place them in a high and independent attitude. He made no professions of disinterestedness, except so far as the words of the provision went; and he charged ambitious motives upon no one member here. The proposition could be objectionable to none but the office-holders: his object was to show the people that we are governed by no interested motives, and are willing to submit it to them to say, whether we should be excluded from holding the offices which, through our action, were created?

Mr. PORTER asked for the reading of the proposed section; which being read by the secretary, he proceeded to say, that he should vote against it, and would assign his reasons for it: that it was uncalled for: that the people had asked no such sacrifice at the hands of the members of this body: He should impugn no man's motives; he would suppose every man to be honest and sincere in the propositions submitted to the consideration of this body. He was sorry to see the course of debate pursued by some gentlemen: they cast firebrands abroad, and impugned motives by wholesale; and when, forthwith, they thus provoked attacks upon themselves, and received what they deserved, then they exclaimed against the unfairness and uncourteousness of personal attacks. It was really "the hard blow and loud cry."

Without, however, impugning motives, he could not help seeing the object of the resolution. It was to prevent action upon the Constitution. The gentleman from Adams, we all knew, was ultra conservative, and his object, no doubt, was to prevent amendments, either by the consumption of time, or by tying up the hands, or alarming the fears of members. It was said that self-interest was the ruling principle of man; and, to a certain extent, this was true. If so, and this resolution was adopted, it might operate on the minds of some men to prevent the adoption of certain alterations, that their sense of what was right as well as the wishes of their constituents called for. That on principle he was opposed to it, and he would oppose it also for its practical effects. It was quite likely that there would be alterations in the tenure of the judicial office, by limiting it to a term of years. He did hope, that as to this, we might preserve the present tenure of the judges of the supreme court; but as to the president judges of districts, he believed, from the signs of the times, they would be restricted in their tenure. But if the slightest alteration were made in the article respecting the judiciary, he did believe that every member of this Convention, according to the terms of this proposed section, would be prevented from filling a judicial station; a result he should not desire. He disliked this bringing of self into every debate, as some gentlemen did: he spoke not of self; but there were gentlemen in this body whom he hoped yet to see filling and adorning judicial stations in this state: their talents, integrity, and legal acquirements would entitle them to it, and there would be nothing improper in so appointing them. Under the existing Constitution, we have seen certainly twenty of the gentlemen who adopted it and created the offices specified in it, filling important situations under it, and filling many of them by the unbiased choice and to the entire satisfaction of the good people of the Commonwealth.

The first Governor under the Constitution was Thomas Mifflin, the President of the Convention. He filled that office by three successive elections, and the day he retired from the office of Governor, he took his seat as a member of the Legislature, to which he had been elected by the people of the county in which he lived, on the day his successor was chosen.

Thomas McKeen was appointed chief justice under the Constitution immediately upon its adoption, and nine years afterwards he was elected Governor, and twice re-elected to that station. When he had served as long in the executive department as the Constitution permitted, he was succeeded by Simon Snyder, another member of that Convention; a man of as pure mind and of firm and exalted patriotism as either of the great men who preceded him. No man ever filled the office of Governor with more ability than that great and good man. He was one of the first of the statesmen of Pennsylvania with whom I became acquainted. I knew him long and I knew him well. He was a man of no ordinary mind, and of great and diversified intelligence. Few men had read more, or more profitably, than he; but the great and leading trait of his mind was his strong, practical, common sense. His intercourse with his fellow men and the public stations he filled, enabled him to bring this to bear on men and things, and so ably and faithfully to discharge the duties of the high and responsible office he filled as long as the Constitution permitted the people to elect him. I am painsed to say that history has not been kind to either his talents or acquirements.

Joseph Hiester, too, was elected to fill the executive chair, and filled it for a term, and declined being again a candidate. Thus, for thirty-three years after the adoption of the Constitution, every Governor we had was a member of the Convention which formed the
Constitution establishing the office. Others of the distinguished men who signed that instrument filled other important offices under it; yet no man ever doubted their purity or their capacity; and had such a provision as that now offered been inserted in that instrument, the public could not have received the benefit of their talents and their services.

I dislike this idea of proscribing any class or portion of our citizens. I prefer to leave it to the people to select or reject such as they please for their public servants. If the offices of prothonotary and clerks of courts, &c. are henceforth to be filled by elections instead of appointments, as heretofore, then gentlemen who are perfectly and legally competent to fill those stations now, would be ineligible under the proposed change. Why should this be? Who has called for this unnecessary act of self-immolation? There have been large professions made on this floor of disinterestedness and patriotism, and that, too, by gentlemen who have told us, that most generally they who profess most, possess least of those qualities. I, however, am disposed to test things by their merits, without regard to the source from which they emanate; and not discovering any merit in this, I cannot and will not give it my support.

As to the idea that the proposition was, in principle, incorporated in the existing Constitution, I cannot see it in that light. That provided against members of the Legislature filling offices which they had created, or the amendments of which they had sided in increasing. Here the offices existed, and all that was proposed to be done was, to change the mode of appointments to them, and, perhaps, the term during which they might be held. It was not like creating offices for themselves. I think, independent of the indecorum of the thing, the delegate from Adams was wrong in ordering my young friend from Butler, (Mr. Purviance,) to “tarry at Jericho until his beard grew,” before he undertook to give his opinion. It gives me pleasure, always, to hear that intelligent and talented young gentleman, and I have yet to learn that the quantum of brains is to be ascertained by the quantity of beard. There is an animal noted for the length of its beard, which, I think, is not supposed to excel in the quantity or quality of its brains. But, on this subject, I do not know what phrenologists might say.

I have said that the people have never asked for such a provision. I will go further, and say that it never entered the minds of the Legislature when they were legislating on the subject. The gentleman from Adams, perhaps, knows who was introduced into the act of 1833, the proposition that no person should be eligible as a member of this Convention unless he had resided for a year in the district which elected him, and the reason why it was inserted. It was done, no doubt, to prevent the election of certain gentlemen who were peculiarly obnoxious to the dominant party in that Legislature. If the present proposition had then been thought of and introduced, it might have availed that gentleman, perhaps, something in his argument, as he has avowed his belief in the power of the legislature, by that law, to control us.

My friend from Philadelphia county, (Mr. Earle,) introduced my name by way of illustrating a supposed case which he put. I am exceedingly obliged to that gentleman for so distinguishing me. A man’s friends generally first occur to his mind; but I have an honest horror of the association in which he places me. Like Willy Wilson, when, in casting the parts of a performance, the person so distributing them said to A, “you shall be so and so,”—to B, “you shall be so and so,” and “Willy Wilson you shall be the bull dog.” “Na,” says Willy, “I’ll not be the bull dog.” “Tut, tut, mon,” says the other, “it was a by way of comparison.” “Weel,” reports Willy, “comparison, or no comparison, I’ll na’ be the bull dog.” So with myself. I have no idea, even by way of comparison, to be brought in for the illustration.

But, treating this matter seriously, it is uncalled for. I ask the gentleman from Adams, or any other advocate of it, to name the instance in which any man or set of men in the Commonwealth, has asked for it. Again, I think it is demonstrated to be improper, and its effects would be prejudicial to those necessary amendments which I earnestly desire to see incorporated in this instrument.

Mr. EARLE was gratified, said, with the modification of the gentleman from Adams, as it would leave the people of Adams the liberty of continuing a distinguished citizen of that county in the Legislature.

Mr. INGERSOLL said he did not know how he should ultimately vote on this provision; but, at present, it seemed to him to be quite premature. It might happen that we should make no amendments.

Mr. STEVENS said, the form and place was of little consequence. The provision could be inserted now and, if the place was wrong it could be transposed; and, if no amendments were made, it would have no application. He asked the yeas and nays, and they were ordered.

Mr. FORWARD said he did not wish to vote for reform, under the penalty of exclusion from office. It stood on no principle of truth or equity, and had no reciprocity; unless you go so far as to say, that no member of this Convention shall hold any office under the government. Then the friends and the opponents of reform will be put on a footing of equality. But this proposition held up the reformers to the people as unworthy of office, and the opponents of reform as alone worthy of public confidence. But why should the provision be confined to the Convention alone? Was it not equally necessary to restrict the people who vote for the amendments from holding any office under the Constitution.

Mr. MACLAY, of Mifflin, opposed the section on the ground that it was uncalled for by the people and unfair in its bearing upon the members of the Convention. If such a proposition had been introduced into the law under which the members of the Convention were elected, he should have objected to it, but its introduction now would have an ex post facto operation.

Mr. CURLL said, that the gentleman from Adams had some reputation among a certain portion of his constituents, and from the ingenuity which he had shown him display on this floor, he thought that he might, some day, aspire to the Executive chair; and he hoped that he would not injure his own prospects, but withdraw his amendment. But whatever might be his own views, he ought not to deprive the state of the talents of the bar in the Convention. The people had a right to the services of those who were capable and honest. He hoped the amendment would be withdrawn or negatived. The
time and money of the people were uselessly squandered in the discussion of such propositions; the people were already disgusted with our conduct, and ready to come here and turn us out of the house. He considered this resolution not only uncalled for by the people, but unjust. There were many men in the Convention qualified for the chief magistracy of the Commonwealth. Why, sir, there is not a lawyer on this floor, nor a doctor, nor an iron master, nor even a farmer—excepting, perhaps, my humble self, but are as capable of filling even the Executive chair, with as much dignity and usefulness as the present incumbent.

Mr. FULLER replied to the gentleman from Lancaster. (Mr. Regrett.) He thought that the argument of that gentleman, that the passage of such a section would make the new Constitution more palatable to the people, founded in error. He thought that such a section would be used against its adoption. It was an unnecessary check upon the people, and not their public servants; and the people would so regard it. The checks and balances, which were placed in the Constitution, were not intended for the people themselves, but for those to whom they delegate their power.

Mr. AGNEW said, that after the pure and holy sentiments of the gentleman from Adams on his very disinterested proposition, it might be rash in him, not having yet passed out of Jethro, to give his reasons for voting against it. In submitting his self-immolating proposition, he seems to have studied to imitate the Grecian law-giver, who gave his countrymen a code of laws, and made them swear to preserve them unchanged until he had returned from a foreign land—then banished himself forever from his country, in order to prevent them from being changed—or, like the noble St. Pierre, who offered himself a voluntary sacrifice for the city of his birth. He, however, thought that the gentleman was unfortunate in his imitation—instead of his proposition being for the good of the people, it was a restriction upon them. The people could easily see that it was only intended to defeat the reforms which they desired put into the Constitution. That gentleman was also unfortunate when calling for the ayes and noes: he declared that he would see how the forty-one lawyers in Convention would vote, as it manifested a desire to put on a show of disinterestedness, when the intention was only to urge, hereafter, upon the people, the course of the professional men of this body, as an objection to the amendments which they might concur in proposing. He opposed the proposition as useless for the people, unparalleled in any deliberative body, and an attack upon the integrity of the members of the Convention, implying as it did, that we could not trust ourselves in the Convention to perform the duties assigned to us by our constituents. He considered it a violation of principle. There were men in the Convention of the first talents and the strictest integrity, and it would be a source of pride to him to see them in possession of the highest offices in the Commonwealth. This alone was a sufficient reason with him to vote against the amendment; but the violation of the principle of equal rights, was a still greater objection.

Mr. SCOTT, of Philadelphia, said, the proposition came from a gentleman with whose views on the subject of the Constitution, he accorded, and with whom he acted in the organization of the Convention. The proposition had some plausibility, on its face, and he would therefore give his reasons for voting against it. He would not give a vote to disfranchise himself: he was ambitious to be esteemed worthy of office, on to be capable of holding it; but entertained no ambition to be the actual occupant of public stations. It was one thing to desire public favors, another, to desire to enjoy them. The people who sent us here, desired no such self-sacrifice, and when the Commonwealth did not demand it, why should it be made? He would not vote to disfranchise one hundred and thirty-three citizens of the State, where neither principle or policy demanded it. Besides, it would be to abridge the rights of the people, and to take from them the privilege of choosing such as they may deem best qualified to sustain their interests. We all recollect the remark of the Theban General, who, after having led her armies to victory, was made superintendent of the sewers of the city. He accepted the office, declaring that his duty was obedience, and that it was the man that dignified the office, and not the office the man. This incident contributed more to the imperishable fame of the Theban, than did all his brilliant victories. The gentleman from Northampton (Mr. Porter) has called the attention of the committee to the men who framed the Constitution of 1790, who afterwards filled the executive chair. Let us look at the Convention which framed the Federal Constitution. George Washington, who was the first President of the United States, whom the people delighted to honor—where do we find his name? Look at the foot of the Constitution of the Union: James Madison, who was chosen from the number of illustrious men to preside over the nation—where do we look for his name? At the foot of the same Constitution, and he was an active member of the Convention which framed it. Rufus King, although not elected, yet deemed worthy of the highest office in the Union, by a large portion of the people of the States, was also a member of the Convention that framed the Constitution. And so was Charles Coasworth Pinckney. Where were all these names? Among those who were the most active and influential men in the Convention that framed the Constitution of the Union.

There might be some in this Convention, whom the people might wish to call to preside over the Commonwealth. Should they be rendered ineligible? Should the wishes of the people be defeated—their right of election restricted? So there might be members of the bar, whose legal talents and learning the people might require upon the bench, and who should not be disfranchised. The members of the legal profession were placed as far as any class of citizens above the bar, whose legal talents and learning the people might require upon the bench, and who should not be disfranchised. The members of the legal profession have always been ready with the pen and the sword to defend them.

This is another reason why this section should not pass. A suspicion would fall upon members of the Convention, that they doubted their own integrity. Do we doubt it? If we do not, let it not go ahead—let us not prejudice ourselves in the eyes of the community. Besides, if it is intended to take away any temptation to create offices for the purpose of benefiting ourselves, then it does not go far enough. More than one half of us have lived two-thirds of our
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and when we shall have arrived at 80 or 60 years of age we shall not
be liable to be tempted with the hopes of office. To make it effect-
ual, it should extend to our children. But what father in this Con-
vention would deny to his child the inheritance of a Freeman, equal
rights and equal privileges? These were the reasons why he should
vote against the proposition of the gentleman from Adams.

Mr. KEIM said, he could not approve the resolution before the
committee, because it is asking a sacrifice of personal rights which
never had been demanded from him by the people. There was no
one more repugnant to holding office than himself, and he hailed the
period of return to home as the happiest of his life. It, however,
he had thought that delegates from his district were expected to vote
their own disfranchisement, he, for one, would have stayed at home.
He had heard, that in ancient times it was customary for patriotism
to immolate itself upon the altar of the country, and he believed that
even now, there was more than one Aristides would write out his
own banishment, if the public good required it.

But he judged motives from actions; none but an omniscient power
could do otherwise: and when he saw gentlemen introduce projects
and propositions, black, white, and all colours, and, at pleasure or ex-
price, vote for or against them, he felt justified in the assertion that
consistency was wanting somewhere. Of all places in the world, he
least expected such a resolution from the county of Adams, when it
was well known that one representative had been sent to the legis-
ature for fifteen successive years. He believed that, in reality, there
was not an individual in the Commonwealth who held the sentiments
of the mover of the resolution on the subject. He opposed the reso-
lation also, because it was designed to delay the proceedings of this
Convention, and allow the inference to go abroad that we were destroy-
ing the Constitution that the spirit might be divided. Sir, said
he, it is the supreme law of the republic that every man should ren-
der services to his country when required. The humblest citizen,
when he holds his boy in his arms, while he looks upon him with pa-
rental fondness, may indulge the hope, that, in the freedom and equal-
ity of our institutions, he may attain the Chief Magistracy of our hap-
py Union. But, sir, as well might a bawd teach virtue; as well might
the people who sent us here, and I confess looks much more like
a popularity trap, than a magnanimous act. There is nothing to my
mind, either honourable or proper about it; and certainly nothing
is to be gained by postponement to a subsequent day.

Mr. STEVENS said, if any one had ever seen a man riding
trough a town, first beset by one dog, then by another cur, now by
a young whelp, then by a spaniel, now by a flat-nosed bull-dog, and
afterwards by the whole kennel, fat and lean, he would have some
idea of the debate on this proposition. Suppose that I—for I have a
right to suppose myself—should happen to live in a Jackson county,
and after denouncing the old Roman for a tyrant, should find it rather
of an uphill business, and beginning to feel my patriotism a little ex-
icted, and my love for the people increase, until I got an office, would
it be strange that I should show my new-born zeal by extraordinary
violence? New converts, like young bumble-bees, are always largest
when first hatched! He did not care whether there were ten dele-

gates, as one gentleman declared, for the proposition. Let members
vote for it or not, as they pleased; but let not those who are incap-
able of appreciating the motives of those who advocate it, undertake
to assail them. No one can vote for it from any thing like selfish
motives.

Mr. BANKS said, that after the long discussion that had taken
place, he was opposed to the postponement. During the consid-
eration of the several articles of the Constitution, he was opposed to
having this thing hang over members like a rod. He could not un-
derstand its meaning and its object, if it was not intended for a very
different purpose, than that of showing disinterested patriotism. He
knew that some men might draw different conclusions, but if some
movements which had from time to time been made, were not intended
to prevent any alteration in the Constitution, they looked very
much like it. He had no objections to delegates putting on the
record any proposition to show their patriotism, provided it related
only to themselves. He had no objections, that the gentleman from
Adams should Lycurgus-like, refuse to hold office, or even banish him-
self for his country's good; but he wished him to confine his disfran-
chisement to himself. He wished to put no restrictions upon his
consistencies, and it was on this principle that he voted against taking
away the right of young men between the ages of twenty-one and
twenty-eight years from holding office. He regretted that the Presi-
dent had made a motion to postpone the proposition at this crisis.
It had been discussed as fully as it could be, and more fully than it
deserved. He was sorry that any man in the Convention should
have brought it forward, knowing the unpleasant feelings that it
would necessarily excite.

Mr. DICKEY said, that he would vote for the postponement; but
if it was not postponed, he should vote against the proposition. It
would depend upon the course which the Convention might take
in the creation of offices of appointment, whether he should finally
vote for something of the kind in a modified form. The gentleman
from the county of Philadelphia, (Mr. Ingersoll,) has submitted a
proposition for a Supreme Court, with fifteen Judges, and if it should
become a part of the Constitution, it might be right to prevent the
members of the Convention, for a time, from being eligible. There
was another proposition, which he himself was in favor of, and that was, the establishment of a Comptroller of public works. If such an office should be created with the power of appointment, it might be right to disabuse the members of the Convention of all improper motives. But if no salary offices were created, he should vote against any proposition of the kind, and if it was not postponed, he should now vote against it.

Mr. SERGEANT thought, that if the proposition was not postponed, it would be voted against now, because it was not offered in the proper place. If it was now postponed, it could be brought up at another time, when if adopted at all, it should be offered. He should not declare himself now, for or against it. There were many things which could be said for it, and much against it. But there was one consideration which ought to weigh with delegates; and that was, it was unlike any other proposition, insomuch, as if it was not passed, it could never come before the people. The people could afterwards engrave into the Constitution what we might regret, but it was not the case with this proposition. If we refused to pass it, we refused to give them the privilege of voting on it.

Mr. FORWARD said, he was very sorry that our worthy President had moved to lay the subject over for future agitation. He wished to see the amendment disposed of at once, and not left hanging over the members of the Convention, to tempt them from the fearless discharge of their duty. It had been assumed that they had a personal interest in the proposed reform of the Constitution, insomuch as they might be vacating existing offices, or creating new ones for their own accommodation. Nothing could be more fallacious or unjust than this way of reasoning. It supposed that the members of the Convention would have it in their power to thrust themselves into the vacant offices without election or appointment.

The proposition to create a supreme court with fifteen Judges, had been alluded to as one peculiarly tempting to the lawyers in this body, and in regard to which, it became them to show to the world that they were acting with pure motives.

I do not know, said Mr. F., what support may be given to this plan of a supreme court; but whatever it may be, it is quite certain that our interest in the subject is no greater than that of others. If the proposition were to constitute a court of fifty, instead of fifteen Judges, it would be nugatory until submitted to, and adopted by the people, at which time this Convention will have ceased to exist.

If offices are created, we have no greater interest in them than others. We cannot appoint ourselves, nor can we have any advantage over others in obtaining those offices. Why, then, should the members of this body disfranchise themselves? Why connect a reform of the Constitution with their own personal disgrace? The people required no such sacrifice—no such act of self-abasement. In the duties he was called upon here to perform, he knew that he was perfectly disinterested, and he deemed any man unworthy of a seat in this body who professed to be otherwise. It was right that members of the Assembly should, during the term for which they were elected, be ineligible to offices created by themselves, especially when the power of appointment is in the Governor; but the disqualification proposed here is one which will commence after our public character shall have ceased, and attend us as private citizens through life.

Mr. CHAMBERS remarked, that the resolution had been discussed, as if its passage by the Convention would make it a permanent Constitutional provision. It would only be a proposition to the people, and it depends upon their action whether it become a part of the Constitution. Were delegates afraid to submit the question to the people? If we go on to create offices, and thereby increase the chances of office, may it not be said by the people, that we have done it to benefit ourselves? There is a proposition before us to make a supreme court with fifteen judges, with greater salaries than have yet been paid to any judicial offices under our state government. Many others may be enacted. The proposition to limit the judicial tenure to a term of years, is also, in effect, to multiply offices by creating new ones, and increasing the chances of office; and, if all this be done by amendments adopted, may not our motives be suspected? But should we pass this resolution, it would be saying to the people, if you suspect that we have been governed by selfish considerations in the creation of these offices, and you find us guilty at the ballot boxes, pass upon us the sentence of disfranchisement. With respect to the postponement, he was indifferent. If any wished it postponed, he was willing to yield to their wishes but, as for himself, he was willing now to vote for the proposition.

Mr. WOODWARD said, when the gentleman from Adams (Mr. Stevens) first introduced this subject yesterday, he thought favorably of it, and felt inclined, with some modification of the measure, to yield it his support; but the argument to which he had attentively listened to-day, and his own reflections on the subject, had determined him to vote against the proposition. It seemed to him, that gentlemen were betrayed into the opinion, that the proposed amendment was proper and necessary, by an inattention to the circumstances under which we are placed here. We are not about to establish new offices in the government, nor to vacate old ones. We can do no such thing. All we can do is to propose certain amendments to the people, and leave it to them to say whether they shall be rejected or adopted. If adopted, and offices are thereby made vacant, it becomes the act of the people. The operative and effective stroke must proceed from their hands. It cannot be dealt by us. Ours is a very special trust in this respect. We propose—the people decide. They have retained this power to themselves, and as the choose to exercise it, so will it be with the amendments we make. Now, if the people shall choose to adopt amendments which will make vacant places in the government, where is the necessity for our disfranchising ourselves, in advance, for filling any of the places? It will not be our act simply that makes such places; it must be approved, ratified, adopted by the people, and made their own. And if our agency in this business ought to disqualify from holding office under the amendments of the Constitution, as it has been well said, those of our fellow citizens, who vote those amendments at the ballot boxes ought also to be disqualified. I cannot go so far. And for this reason I cannot agree to disqualify members of this Convention for any station to which they may hereafter call them. I hold, sir, that the wisdom, the talents, and the virtue of this body, are public property—they belong to the nation—they constitute a part and no mean part of
national wealth and the national glory. I am not for robbing the people of these which are theirs. I am against all manner of proscription. The humblest man in society, if he has committed no crime, is not a fit object of proscription, and why should we proscribe ourselves? The people have not demanded this sacrifice. We wrong them if we make it; for we sacrifice that which belongs to them.

A good deal has been said about the motives of the author of this measure. I believe them to be, as he claims they are, upright and pure. I ought to be the last to condemn them, because I had nearly under my first impressions, determined to go with him. I can understand, sir, how such a measure may be dictated by the purest and best motives, and I am perfectly willing to accord such to the gentleman who has moved this. I am, however, prepared to vote against the amendment, and wish to do it now. I hope the question will not be postponed for the present; but as an indefinite postponement of the whole subject, would be one mode of defeating the measure, I move, if it is in order, that it be indefinitely postponed.

The Chairman (Mr. Clarke, of Indiana,) said, a motion to postpone an amendment indefinitely, was not in order in committee of the whole.

Mr. Keim said, he hoped that the question would not be postponed, as it must only indicate that "large bodies move slow." Whilst it gave him pleasure to sequence in what had been said by the gentleman from Adams on the subject, he could not but particularly approve the tenor of his remarks as illustrating the truth of his own.

He, too, had been barked at by mongrels of all kinds, and hated dogs as much as any one. Would you not suppose a person consistent, when, in his animosity to large towns, you found him placing in their centre a magazine filled with at least 55,000,000 of grenades, whose explosion endangered not only the "doomed city," but threatened the ruin of the whole State?

The poet Simonides was equally consistent, who, on being solicited to sing the successes of a victorious charioteer, asked, significantly, what could be said of mules? When, however, a purse of gold was placed into his hand, he became inspired, and began in glowing numbers, to "the illustrious foals of rapid steeds."

In his propensity for animals, let the gentleman from Adams visit the coming menagerie, and he may see a one-legged calf, and if his friend is there, he might, perhaps, see a flat-nosed bull-dog.

He hoped the question would be decided before adjournment.

Mr. Hayhurst, of Columbia, addressed the committee as follows:

Mr. Chairman: At first thought, I looked with a favorable eye on the proposition now considered, and would yesterday have voted in the affirmative on it, if it had been so modified as to exclude members of this Convention for but a limited time. I did not then think it right to adopt the present proposition, unmodified. I am now convinced by the arguments which have been advanced, that the principle ought not to be entertained in any degree. Sir, what right have I, by my vote, to disfranchise my fellow-citizens? Though my constituents can, without inconvenience, dispense with my poor services, the commonwealth cannot dispense with the services of the talented gentlemen around me.

I am not prepared to deprive the people of the right to select whom they please to serve them.

I should be very unwilling to lend my aid to deprive the State of her treasure, and am consequently still more unwilling to deprive her of her intellect, inasmuch as mind is vastly superior to mere corporeal matter. But by voting for the present proposition, should I not aid in robbing the Commonwealth, not only of the services of her most respectable and talented men—those who have been sent here on account of their attainments and experience, and who no doubt come up to the expectation of those who sent them here? But should I not also aid in defrauding her of her treasure? We have spent large sums of money in erecting and endowing colleges and seminaries of learning, for the purpose of educating the sons of Pennsylvania: and having thus educated a number of eminent citizens, part of whom are now enclosed within these walls; is it not robbing the State of her dollars and cents, to deprive her of the knowledge and experience which they possess, by pronouncing an ostracism against them?

The honorable President of this Convention has argued that if we do not adopt this proposition, we deprive the people of an opportunity to pass on our actions. To this argument I beg leave to reply, and I do so with great deference, that I conceive we do not deprive the people of that privilege. We propose such amendments to the Constitution as we may see proper; and I, for one, declare that it is my intention to support several amendments. Suppose we alter the Constitution so as to make more offices and create vacancies, we shall return to our constituents, and they have the full opportunity of saying to us individually, through the medium of the ballot boxes—gentlemen, you have made offices and vacancies, but we do not choose that you should fill them.

We have been told that we shall, by adopting this amendment, manifest a high degree of disinterestedness, and submit the amendments which we may make, to the people, endorsed by the strongest evidence of our honesty of intention in framing and proposing them. This may be true, and I confess the doctrine coincided so far with my views of the subject, that I entertained the idea of voting for it, provided it was so amended as to exclude members for one, two or three years, or until all the vacancies occasioned by the adoption of the amended Constitution should be once filled.

But further reflection has convinced me that the principle is incompatible with the spirit of democracy throughout. Any gentleman who wishes to wash his hands and clear his skirts of all liability to censure, can, by voluntarily withdrawing and refusing to accept an office under the amended Constitution, convince the public that his motives were pure, and yet leave the people in possession of the right they have to require the service of any individual they choose.

I am astonished that I ever conceived the idea of excluding any member of this body from office for a single moment, because, if the principle be good, it may extend to the exclusion, not only of the members of this Convention, but of their posterity for an indefinite period of time, and through all its ramifications.

It is, therefore, plain to me that the amendment ought not to pre-
vail, and that the people ought to retain the right to select and reject whom they please; and I hope the postponement will not prevail, because I have no doubt but that every gentleman in this hall is prepared to record his vote now.

Mr. BONHAM was opposed to the postponement of the question, as he thought time enough had already been spent in its discussion. It had been estimated that the expenses of this Convention are about one thousand dollars a day, and as we had already spent a whole day, he thought that one thousand dollars was quite as much as the people were willing to pay for the whole matter. Solomon said that there was nothing new under the sun. This was undoubtedly true in his day, but this is an age of inventions. One thing, however, all would admit, and that was, that no such proposition was ever made before in any Convention of the people to frame or alter any Constitution. He should vote against it, as he had made up his mind to vote for such reforms as the people wished, & to vote against all new projects.

One gentleman says that the people can reject it if they please, while MONDAY, JUNE 12th, 1837.

it would be rejected. /

The ayes and noes being called by nineteen delegates, the proposition guarantees, that no one shall be condemned unheard, no one shall be found guilty without having witnesses face to face. But what is the trial which the gentleman proposes? Why, we are to be tried in fifty-three counties at the same time, and at more than five hundred election districts. The principle can not be tolerated. If that gentleman thinks himself guilty of sacrilege by laying violent hands upon the Constitution, let him say to the people of his own county, I will disfranchise myself forever. Let him settle his accounts with his property, and as he thought time enough had already been spent in its discussion. Solomon said that there was nothing new under the sun. This was undoubtedly true in his day, but this is an age of inventions. One thing, however, all would admit, and that was, that no such proposition was ever made before in any Convention of the people to frame or alter any Constitution. He should vote against it, as he had made up his mind to vote for such reforms as the people wished, & to vote against all new projects.

Mr. EARLE said, that the gentleman from Franklin (Mr. Chambers) thinks that the members of the Convention should be tried by the people, and if they should be found guilty of any selfish motives in submitting amendments to them, they should be sentenced through the ballot-boxes to disfranchisement. But does this agree with the matchless instrument which he so much venerates? The Constitution guarantees, that no one shall be condemned unheard, no one shall be found guilty, without having witnesses face to face. But what is the trial which the gentleman proposes? Why, we are to be tried in fifty-three counties at the same time, and at more than five hundred election districts. The principle can not be tolerated. If that gentleman thinks himself guilty of sacrilege by laying violent hands upon the Constitution, let him say to the people of his own county, I will disfranchise myself forever. Let him settle his accounts with his constituents. The President of the United States had declared, when solicited to accept office, gave as an answer, that no man was at liberty to withhold his services from the country, when demanded by the people. This was the true republican doctrine, and he hoped that every republican would act in accordance to it.

The vote being taken, the motion to postpone was lost.

The ayes and noes being called by nineteen delegates, the proposition of Mr. Stevens was negatived by the following vote:

YEAS—Messrs. Bayne, Brown, of Lancaster, Butler, Chambers, Chauncey, Cochran, Craig, Cunningham, Denny, Dunlop, Fleming, Konigmacher, M'Sherry, Meredith, Reigart, Serrill, Steriger, Stevens—18.


The committee then rose, and the Convention adjourned.

MONDAY, JUNE 12th, 1837.

Mr. MANN offered a resolution directing that, from and after this day, the Convention shall hold afternoon sessions each day, Saturday excepted, commencing at half past 3 o'clock. Lies over one day.

Mr. READ called up for consideration the following resolution, which was agreed to:

Resolved, That so much of the 23d rule as forbids the previous question in committee of the whole, be, and the same is hereby rescinded.

Mr. READ said, the scenes of Saturday last would convince any one of the necessity of this provision. He should add nothing to what he had before said in favor of the proposition. The resolution was agreed to.

Mr. MANN called up the resolution just submitted by him. It was read a second time.

Mr. SHELLITO suggested 4 o'clock as a more suitable hour for meeting, and Mr. MANN modified the resolution accordingly.

Mr. DICKEY said, the progress made under the present arrangement was very encouraging; and sessions every afternoon would no allow sufficient time for exercise. He moved the postponement of the further consideration of the resolution.

Mr. MANN said. I do not wish to occupy the time of this Convention discussing this resolution: I think it must be obvious to all present, that unless we become more industrious, we shall not get through committee of the whole by the 1st of July, which I am very desirous we should do; we certainly have improved, and progressed more rapidly by sitting every other afternoon, and I have no doubt but we shall find further advantage by sitting every day.

The motion to postpone was lost, and the resolution was agreed to: ayes 49, nays 38.

SECOND ARTICLE.

The Convention resolved itself into a committee of the whole on the reports of the committee on the second article:

The second section being under consideration, it was read as follows:

2. The Governor shall be chosen on the second Tuesday of October, by the citizens of the Commonwealth, at the places where
CONVENTION PROCEEDINGS.

(Continued from Monday.)

they shall respectively vote for representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of Government, directed to the Speaker of the Senate, who shall open and publish them in the presence of the members of both Houses of the Legislature. The person having the highest number of votes shall be Governor. But, if two or more shall be equal and highest in votes, out of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a committee, to be selected from both Houses of the Legislature, and formed and regulated in such manner as shall be directed by law.

Mr. BELL moved to amend the report of the committee, by substituting therefor the following report of the minority:

The undersigned, a member of the committee to which was referred the second article of the Constitution, begs leave respectfully to recommend, as amendments, the following enumerated alterations and additions, to wit:

The second section of the said article ought to be altered so as to read—

Sec. 2. The governor and a lieutenant governor shall be chosen on the second Tuesday in October, by the citizens of the Commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for Governor and Lieutenant governor, shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Senate, who shall open and publish them in the presence of both houses of the legislature. The persons respectively having the highest number of votes for governor and lieutenant governor shall be elected; but if two or more shall have an equal and the highest number of votes for governor and lieutenant governor, the two houses of the legislature shall, by joint ballot, choose one of the said persons, so having an equal and the highest number of votes, for governor or lieutenant governor. Contested elections shall be determined by a committee, to be selected from both houses of the legislature, and formed and regulated in such manner as shall be directed by law.

The third section of the said article ought to be amended by inserting the words “and lieutenant governor” after the word “governor,” and providing for the continuance in office of the lieutenant governor, for the same term as is prescribed in the case of the Governor.

The phraseology of the fourth section ought to be so altered, as to make its provisions embrace as well the office of Lieutenant Governor as that of Governor.

The eightieth section ought to be amended by striking out the words “or shall be established by law.”

The fourteenth section ought to be altered so as to read—

Sec. 14. In case of the death or resignation of the Governor, or of his removal from office, the powers and duties of the office shall devolve on the Lieutenant Governor for the residue of the term. And if the trial of a contested election shall continue longer than the third Tuesday in December next ensuing the election of Governor, the Lieutenant Governor shall exercise the powers and discharge the duties of the office of Governor, until the determination of said contested election, and until a Governor shall be duly qualified; but if the election of the Lieutenant Governor shall also be contested, and the trial of such contested election shall continue longer than until the said third Tuesday in December, the Governor of the last year, or the speaker of the Senate, who may be in the exercise of the executive authority, shall continue therein until the determination of such contested election, and until a Governor shall be qualified as aforesaid, or until the contested election of the Lieutenant Governor shall be determined, and such Lieutenant Governor be duly qualified.

While acting as Governor, the Lieutenant Governor shall receive the same compensation as is, or may be, allowed to the Governor.

A new section to be numbered “fifteen,” ought to be introduced, and to read—

Sec. 15. The Lieutenant Governor shall be President of the Senate, but shall have only a casting vote therein. While acting as President of the Senate, he shall receive double the compensation paid to a Senator. If, during a vacancy of the office of Governor, the Lieutenant Governor shall die, resign, or be removed from office, the Speaker of the Senate shall act as Governor, until the vacancy shall be filled. While acting as Governor, the Speaker of the Senate shall receive the same compensation as is, or may be, allowed to the Governor.

THOMAS S. BELL.

Mr. BELL made a brief statement of the reasons which induced him to make the report; and, at the suggestion of Mr. MANN, he modified the report so as to read “third Tuesday in October.”

Mr. MAGEE moved to strike out the 3d Tuesday of October, and insert the first Tuesday of November.

The motion was lost.
Mr. CHAMBERS said, the amendment proposed the creation in this Commonwealth of the office of Lieutenant Governor. He was opposed to the creation of this office as uncalled for. No inconvenience had been experienced in consequence of the want of such an officer. Although we have had several Governors who have been elected for several terms in succession, no case of a vacancy, occasioned by death, ever yet occurred. If it should ever occur, the Constitution pointed out the means for the temporary supply of the vacancy. He was convinced that the people did not desire this change and that it was unnecessary.

Mr. FLEMING said, inasmuch as the creation of the office would be attended with little or no additional expense—and as it would give the people the election of an individual who may become the Governor in case of the occurrence of a vacancy—he thought it a proper measure. Though no vacancy had hitherto occurred, yet it might occur at any time: and he was of opinion, that the person who might preside over this Commonwealth, ought to be elected by the people, and in direct reference to his qualifications for filling that office.

Mr. MEREDITH said, there had never been any practical inconvenience from the want of such an officer, and none could be apprehended. It was his impression, that, in case of the death of the Governor, the Speaker would exercise the functions of the office only, until the next succeeding general election, and not for the remainder of the term for which the deceased Governor was elected. To elect an officer and put him in the chair of the Senate, without pay, without a vote, without the liberty of explaining his views on any subject, with no communication with either branch of the government, would be to place a man in a very restrained situation. If he was a man of strong and powerful talents and ambition, placed there without the faculty of debate—with no opportunity for defending himself from attack—and if he was a conspicuous man, he would have enemies—holding nothing but a barren sceptre—he would not be expected to sit very quietly in his seat—and he would exert a strong influence in some illegitimate, unforeseen, and, perhaps, dangerous way. If, on the other hand, a man without abilities, and of little character, was placed in the situation, he would be discreditable to the State, both in the small functions which he exercised, and the higher ones to which he might be called. He thought it would be much safer and more proper to leave the election of this officer to the Senate, particularly as the Speaker of the Senate would hold the office, under his construction of the Constitution, only for a short time.

Mr. BELL said, if gentlemen would satisfy us, that every man elected for the office of Governor, should have a lease of life for his whole term, then he would grant that no inconvenience would result from the want of a Lieutenant Governor. But, if the contingency should occur, the individual who succeeded to the office ought to be elected by the whole people, and not by a single senatorial district. The arguments urged against the measure would equally well apply to the office of Vice President of the United States; but no gentleman here, he presumed, would be willing to dispense with that office.

Mr. STERIGERE said the amendment under consideration, proposing to create the office of Lieutenant Governor, is similar to one I placed on the files of the Convention at the beginning of the session, as one which, I thought, ought to be adopted. I do not think this has been proposed at the proper place: about that, however, there may be a difference of opinion; but as the question is raised, we may as well consider it now as at any other time. I shall briefly state some of the reasons why I shall vote in favor of the proposition. We must consider this officer in two points of view—as the presiding officer of the Senate, and as the executive of the State.

The Senate is the highest legislative body in the State—its members hold their offices for long terms. In many cases they will be equally divided—and the casting vote, in either rejecting or passing a law, in which the whole State may be interested, should be given only by an officer chosen by the whole people of the State. A person so elected would be governed by the interests of the whole State—not by that of a county or district. The presiding officer of such a body should be chosen by the State at large. This mode of election is quite as suitable as the one now in force.

It is said this officer would have to preside over the Senate without any right to debate, or give his reasons for his conduct. He is to have no vote; unless the Senate is equally divided. Then, as in the Senate of the United States, he could give his reasons: he would have no occasion to do so at any other time.

It is provided in the present Constitution, and sanctioned and settled by the people, that the executive officer of the State should be chosen by the citizens at large. For the same reason, the individual who may, by any possibility, be called to exercise the executive department, should also be chosen by the people at large. The question is, how should our executive be chosen? The present mode is not much better than casting lots for a Governor, in case a vacancy occurs. The President of the Senate is never or seldom chosen by the members with regard to his qualifications and fitness to be Governor, but merely in reference to his qualifications as their presiding officer. But suppose they were to select him with a view to fill both situations; he would come into the executive chair with the voice of a very small portion of the people: and is it to be contended that one county or district shall select a Governor for the Commonwealth? It is a correct principle that an officer who is to exercise an authority only in his county or district, and to act only for the people of that county or district, as a representative, or senator, or the like, should be chosen by the people of such county or district only: they are the only persons to whom he is responsible. But an officer who is to exercise power and authority extending throughout the State, should also be chosen by the whole State.

Suppose a proposition were made that persons should be chosen in each Senatorial district, as our Senators are elected, and that the persons so chosen should select one of their number to be Governor, would any man be found to vote for it? Not one. Yet this is substantially the manner in which, by the present constitution, the officer is
The Legislature after the next annual election. Mr. REIGART moved to amend the section, so as to provide once in three years. There was no occasion for altering now.

Of the Constitution, with the gentleman from Philadelphia, vacancy is the office of Governor, shall hold the office only to the governor, in case of a vacancy in that office and who is to preside in the highest branch of the Legislature, and give the casting vote on questions in which they are all interested.

Governor was to be 'duly qualified' was at the first time when 'in December, when the Governor was elected by, and represented the whole people of the Commonwealth, he was the proper person to hold a check upon the Legislature. The same reason would apply to the acting Governor. Whoever exercised the powers of Governor should be elected by the whole people.

There was another reason in favor of the creation of Lieutenant Governor. The day would come when this State would contain five millions or more of people, and when great excitement might occasionally prevail in the public mind. The time might come when a Governor might have been despot powers. The Legislature could exert no power, except when in session; but the Governor was in continual exercise of his authority. Ought there not, therefore, to be an officer upon whom the people could rally, in case of any attempt of executive usurpation?

Mr. FULLER said he was opposed, for two reasons, to the proposition. First, the people of the Commonwealth had not asked this alteration. For half a century, we had been without a Lieutenant Governor, and had experienced no inconvenience from it. If he was disposed to make a change in this respect, he would not do it at this time for another reason, that it would hazard the adoption of other amendments. There were two ways of opposing reform. One directly and another indirectly. One way to defeat any reform was to overload the Constitution with amendments, which the people had not asked for, so as to render it necessary for them to reject the whole. When we came to the 14th section, he should move an amendment, providing that the speaker of the Senate, in case of a vacancy in the office of Governor, shall hold the office only to the next annual election. This would relieve the clause of all doubts.

The motion to amend was lost. Mr. DARLINGTON moved to amend the section, by striking out the "third Tuesday of October," and inserting "time and," so as to avoid the question as to the time of the election. We had adopted a day for the general election, which, whether it was sustained or not, there was no occasion for altering now.

The motion to amend was lost. The second section, as amended, was agreed to. The committee took up the report on the third section, as follows:

Sec. 3. To read as follows — "The Governor shall hold his office during three years from the third Tuesday of December next ensuing his election, and shall not be capable of holding it longer than six years in any term of nine years."

Mr. REIGART moved to amend the section, so as to provide that the Governor shall hold his office for four years from the 1st of January next ensuing his election, and not be re-eligible to the office thereafter.

Mr. BUTLER moved to amend the amendment, so as to provide
that the Governor shall hold his office for two years from the first of January next ensuing his election, and be incapable of holding it longer than four years in any term of eight years.

Mr. STERIGER suggested that the 8d Tuesday of January would be a more suitable day for the commencement of the term. He should vote against both amendments himself.

Mr. MANN again suggested the third Tuesday of January, which was adopted by Mr. REGART and Mr. BUTLER.

Mr. DICKEY said, he was opposed to both amendments, because the general opinion and feeling of the people were in favor of the term of three years, and because there had never been any expression of opinion on the part of the people in favor of limiting the tenure to one term.

The amendment to the amendment was lost.

Mr. HEISTER moved to amend the amendment by adding there to the words “for the next succeeding four years.”

Mr. PURVIANE said, that the only section of the article now under consideration to which he had any objection, was the one now before the Committee. With the fourteen other sections of that article he was willing to be satisfied, except that which relates to Judicial appointments; the amendments of which more appropriately belong to the fifth article.

The section under consideration, to which the amendment of the gentleman from Lancaster applies, he believed of the greatest importance. Sir, (said Mr. P.) I have ever felt a deep interest in the alteration of the Constitution, that we might rid ourselves of that periodical turmoil and excitement which takes place triennially at our gubernatorial elections. It is of itself sufficient to shake the stability of our government, by interfering with and reverting the best friendships of our nature, and waging a continual war upon the purest feeling of the heart. He said he looked to the alteration of the Constitution in this, as well as in other particulars, as to the time when friends long parted, and kept apart by political broils, will again meet and renew friendships long since buried in the unhallowed grave of political asperity. He declared his belief that a Governor under the present Constitution possessed more power than the King of Great Britain, and that as long as such power existed, we might look in vain for the untripped wave of peace. The patronage of the Governor was like a galvanic battery, producing simultaneous shocks at the extreme ends of the State. So many political aspirants and expectants of public favor, necessarily led to this much-to-be-deprecated excitement in the election of a Governor. Whilst this patronage, or even the smallest portion of it exists, your executives may be influenced in the distribution of that patronage by the hope of re-election. Render them ineligible, and you remove that inducement, and hereafter will be enabled to elect Governors who cannot, by any possibility, look to their own advancement in the distribution of their official patronage. This Convention will, no doubt, to a very great extent, curtail the appointing power; but still the Executive will remain clothed with powers important and extraordinary. The Governor will remain as before, commander in chief of the army, navy, and militia of the State. He will continue as before, charged with the power of a faithful execution of the laws. His power to grant reprieves and pardons will continue the same, and although a limitation of judicial tenure will inevitably result from our labors, a co-ordinate power of appointment may still be reposed in your Executives. With such power lodged in the hands of an individual, is it not obvious that danger is to be apprehended, and that bad men, or ambitious aspiring men, would apply so powerful an engine to the advancement of their own private interests, and the perpetuation of their own power? In the distribution of the appointing power, office is not always conferred upon the most worthy, but frequently upon those who have been the most clamorous in their support of the dominant party.

In twelve of the States, the principle of ineligibility has been engraved upon their Constitutions. Virginia, by her Constitution of 1830, adopted the principle. Kentucky has rendered her Executives ineligible for seven years after their term of service expires. Maryland for four years. North and South Carolina, the former by an amended Constitution of 1828, and the latter by amendments since its original adoption, have carried out the principle of ineligibility. Alabama, Louisiana, Missouri, Illinois, and Mississippi, have limited Executive service from four years. In the latter State, all officers, from the highest to the lowest, from the Judges of the high Courts of Errors and appeals down to the Judges of the Courts of Probate, are elected by the people, and yet they have been careful to render their Executive ineligible to re-election. In Tennessee, the same principle exists, and in Delaware, the Executive is ineligible forever. In the States of Maine, Massachusetts, Connecticut, Vermont, New Hampshire, New Jersey and Rhode Island, the Governor is elected annually, which is an equivalent for the ineligibility principle, being productive of similar political advantages to the States. It brings the Executive so near the people, and renders their accountability so short, that little danger can be apprehended. Adopt this principle in Pennsylvania, and the scenes of excitement with which we are periodically visited will be at an end, and the people will hereafter be permitted to elect a Governor under no other influence than that of an honest devotion to the best interests of the country.

These, sir, are the sentiments of one who, like the Earl of Chatham, was rebuked for his want of age, and advised to tarry a while at Jericho to acquire that which others have artificially obtained.

These loose and crude sentiments may, according to the idea of a certain gentleman, be but the barking of a cur; but I trust at an objectless terrific appearance than the ill-fated horse doomed to canine vengeance for no other sin than that for which the captain's horse in modern chivalry was mistaken for a racer. Although professedly less disinterested and patriotic, I trust (said Mr. P.) I am practically more so than him, who, like the tyrant Dyonisius, is willing to punish all who refuse to chant his praises. To such, whose professions of disinterestedness and patriotism are so great, who are tired of the burdens of office, and desire to imitate the example of the great Grecian law-giver, I would say, carry out the principles of that much admired man—let him abjure the country, and immolate himself, like the fabulous bird, upon the pile of sweet woods and aromatic gums, and from his ashes, perhaps, another Phoenix may arise, which, if
Mr. DARLINGTON rose to give a reason for his vote on this question. The rule to govern us in the consideration of these questions was, to ask what is the inconvenience complained of, and what is the remedy? Here, the inconvenience complained of is excitement at the elections; and that the Governor is induced to take his patronage with a view to secure his re-election. This is the inconvenience which is here to be remedied. How shall it be remedied? By taking away the patronage of the Governor, or by rendering him ineligible. Either will do in both cases, therefore, unnecessary. He apprehended that the reduction of the executive patronage would render it unnecessary to limit his time to one term. There could be no doubt that we should reduce his patronage; and, for that reason, this amendment was unnecessary. It was said that a considerable portion of patronage must still be left to the Governor. He might have the appointment of justices for a limited term; but in few instances could a re-appointment take place during his term. The evils of losing a faithful, experienced, and efficient officer, were infinitely greater than any that could result from the small degree of patronage left with the Governor. For these reasons he was opposed to the amendment.

As the general practice had been for the Governor to retire at the end of the second term, he should have no objection to adopting the report of the committee.

Mr. BEIGART said, there was just as much reason for saying that the people had decided in favor of one term as of two. It was quite power enough for any man to be Governor for one term of this great Commonwealth; and there would still be, after all the reduction of his patronage that we should make, a great deal of power left in his hands.

Mr. SERGEANT said, while the Constitution had worked well, it was also considered as working in harmony with the opinions, principles, and feelings of the people. In regard to himself, he had so happened that he had never held an office in the State government, and it was not probable he ever should. But it was his opinion that in settling the mode of electing officers, we should have regard to the character and history of the State. We should consider men as they are, good and bad; none perfect, and none, he hoped, altogether depraved. Now, the first thing to be considered is, that the whole population of this Commonwealth is free; and the whole mass of the community being politically and civilly free, our institutions should, in some respects, differ from those of States which are, in this respect, differently situated.

In the second place, he would remark, that the government of the Commonwealth of Pennsylvania was, and always had been, decided and in the most marked manner, a free republican government, with the exception of the degree of foreign power shaken off by the revolution. In the next place, it should be considered that, from magnitude, position, and resources, this Commonwealth stood first among the states of the Union, unless we excepted our near neighbour, who of late had made such rapid strides.

Next, it must be remarked, that the government of this state had been stable and dignified. Though he had generally been in the minority, yet he had felt proud wherever he went, to find this position fully conceded; and finally, no where had the rights of the people been better guarded and justice better done, than in this Commonwealth. Now, in setting the limit of the Governor's term, we must ask what has been the result of the present Constitution in regard to electing a Governor?

The Constitution placed a limit of three terms, of three years each to his term of office. Governor Mifflin held the office for three terms, and was then elected to the senate of the United States. Governor McKean for three terms, and then went into private life; and Governor Snyder for three terms, when he was elected to the senate of the United States. The people then put a practical limit on the term of office, and the subsequent governors held office no longer than two terms; and two of them (Governor Findley and Governor Wolf) now held office, and subordinate office, under the government of the United States. The latter is a comptroller of the treasury, and the former a treasurer of the mint. Now, it was said that you must limit the term, in order to render the Governor independent; but the effect was to make him any thing but independent. It forces him to look elsewhere, to see where, after the expiration of his term, he can get a respectable living; and, if he was poor, and poverty was the fate of all public men in this country, he will be tempted to conduct himself in his office, in such a way as will entitle him to something from the government of the United States, which he cannot get at home. Nothing is to be gained by limiting the term: What is lost? First, his experience is lost; and, next you lose the weight of character, a most important consideration, which he has acquired in the discharge of his duties. Why should you, at the end of the term, let fall the curtain upon this man's political life, and upon the hopes and wishes of his fellow citizens? Why, merely to carry into effect a speculative opinion. The only government which had practically applied a limitation to the term of the chief magistrate was in Mexico, where the President was elected for five years, and was afterwards ineligible; and it was this very provision which, in 1807, produced convulsion, and broke up the government from its foundation.

He would not reject all limitation. We had tried nine years, and found it a good provision. If a Governor did not carry out the principles upon which he was elected, the people could shorten his term. We had a debate, the other day, on a proposition to incapacitate the members of this Convention. Almost every man rose up against it, and called it anti-republican. It was not anti-republican; for any man has a right to refuse office, and could say like the man in the play, there are "a hundred men as good as he." The vote was 92 to 18 against it. The argument then was, you will abridge the right of the people; but will you not abridge the right of the people by restricting them in their choice of a Governor for only one term? He found that if the right of the people was restricted in reference to elective offices, there would be complaint until there was another Convention to alter the Constitution. Young men were not often selected for Governors. They were men who had been tried in other stations, and were known for talents and integrity. They were
men who generally commenced in the House of Representatives, rose to the office of Senator, and in public stations acquired fame throughout the Commonwealth. There was an objection to confining the Governor to one term. A new election would be followed by a turning out of all the officers throughout the State, and the struggle between the Ins and the Outs, which was ferocious enough now, would be rendered worse from the frequency of the contests.

Mr. BROWN, of the county of Philadelphia, said, however much at a loss he might have to understand the arguments of the gentle man from the city, (Mr. Sergeant,) which seemed to him contradictory; he had been at no loss to understand his object. That gentleman had told them so repeatedly, that the Constitution had worked well, and that everything had gone on under it so harmoniously, that if the people were not deaf to assertion, they must come to the same conclusion as that gentleman had. It was strange, said Mr. B., that if all the departments of the Constitution were so perfect, and had given so much satisfaction, that a Convention had been called even carrying both divisions.

Pennsylvania was a model for other States; he, Mr. J., had looked at his vote against his holding the office for more than one term; but if his argument on this point. He, Mr. H., said the principle of removing our Governor was, that he used his power to secure his re-election. It would be a matter of little consequence what his term of office was, or how long he was eligible, provided for and the Officers through the State, and the division of appointments generally, and to take from the Governor the appointment of all officers, other than those immediately connected with the executive department.

The vote being taken, the amendment of Mr. Heister was agreed to.

Mr. SMYTH called for a division of Mr. Reigart’s motion, as amended.

Mr. FORWARD said his vote would depend upon the fact of carrying both divisions.

Mr. SMYTH withdrew his call for a division.

Mr. EARL renewed the call for a division.

Mr. HOPKINSON said, that the argument against the re-eligibility of the Governor was, that he used his power to secure his re-election. This will depend upon what he may have. If he is to have what he now has, the appointment of every officer in the Commonwealth, the argument might have some foundation; but if the power of appointment is to be taken away from him, the argument would have no foundation, as he would have no means to operate with to secure his election. He should, therefore, shape his course accordingly. If the Governor’s patronage was to remain, he would vote against his holding the office for more than one term; but if his patronage was to be taken away, he should vote for no alteration in this section.

Mr. STEVENS thought, that it first ought to be determined whether the appointing power should be taken from the Governor before we fixed the limit to his term of office. It was a matter of very little consequence what his term of office was, or how long he was eligible, provided he had no patronage.

Mr. BELL agreed with the gentleman from Adams, (Mr. Stevens,) that if we took away the appointing power, it was a matter of little consequence, so far as it regarded the eligibility. He thought that the limitation of four years, proposed by the gentleman from Lancaster, (Mr. Reigart,) was too short. If a system of State policy was commenced by a Governor, four years might not be sufficient to carry it out. If we make the term three years, and the eligibility two terms, the people, if they desired any system of policy commenced by a Governor carried into execution, could re-elect him. He thought that good policy demanded that he should not be restricted to one term, but that the people should have an opportunity of passing upon his conduct.

Mr. BANKS said it was a difficult thing to fix a proper limitation, when it restricted the people from selecting such men as were qualified to serve them. In New York, a judge was cut off at sixty years of age; and in our Constitution, the Governor was restricted to nay
Mr. BELL moved to amend the report by striking out all after the word “appoint,” and insert as follows:

“A Secretary of the Commonwealth and an Attorney General during pleasure, and he shall nominate, and by and with the advice and consent of the Senate, appoint all judicial officers whose appointment is not herein otherwise provided for, as well as all offices established by law, when by such law the mode of appointment is not prescribed, and shall in such cases have power to fill up all vacancies that may happen during the recess of the Senate, by appointments which shall expire at the end of the next session.”

After some conversation between Messrs. Read, Sterigere, and Bell, the committee rose, and the Convention took a recess until 4 o’clock P. M.

**Afternoon Session.**

The Convention met again at 4 o’clock, and the Convention again resolved itself into the Committee of the whole on the second article, when the amendment of Mr. Bell came up for consideration.

Mr. DICKEY opposed the amendment, and gave as his reason that the second article was not the proper place to designate particular officers. The proper place for that was in the sixth article. The report of the committee was all that was necessary in the second article.

Mr. DARLINGTON thought, that the question now was, whether we should put the appointing power in the hands of the Governor, the Governor and Senate, the Legislature, or the people. The committee had recommended that it should be placed in the hands of the Governor and Senate. He had not made up his mind definitely on this subject, although he was now disposed to favor the proposition. But on the question of giving the power to the Legislature to create offices, and then fill them or cause them to be filled, he had made up his mind to oppose it. Suppose the Legislature should create courts which should take away the jurisdiction of courts already established and then appoint the officers themselves—would it not be an evil? He should vote against the amendment.

Mr. READ thought, that the amendment was an important one. The gentleman who had just taken his seat did not seem to understand it. By that amendment, the Legislature will not have the power to appoint the Judges of any court. The amendment expressly gives the appointment of all judicial officers to the Governor and Senate. In reply to the gentleman from Beaver, he will find it impossible to get along with only the report of the committee. The Secretary of the Commonwealth could not be turned out when once appointed, he could not be removed; and he thought that he should be responsible to the appointing power. There was a proposition to remodel the internal improvement system. The patronage belonging to the improvements exceeded all the other patronage of the State. The officers were almost a countless host. Now, if the Legislature should find it necessary to remodel the system, it should have the power to prescribe the manner of the appointment of the officers.

Mr. DICKEY said, that if he understood the proposition of the gentleman, to the Governor alone belonged the appointment of the
secretary of the commonwealth and attorney general: the governor and
Senate, the judicial and other officers, authorized by the Constitution
and not elective, and then leave to the determination of the Legislature
how officers shall be appointed, whose offices may hereafter be created.
He was opposed to giving the appointment of the Attorney
General to the Governor without the concurrence of the Senate.
When the sixth article was before the Convention, he should be in
favor of amending it, so as to give to the Governor and Senate the ap-
pointment of all the officers—Auditor General, Attorney General,
the Secretaries, Judges of the courts, and such other officers of
equal importance. It would be seen, therefore, that he should go
farther than the gentleman from Chester, when the proper time
should arrive for offering it in the proper place. The gentleman from
Adams (Mr. Stevens) had made a report from the minority of the
committee, in favor of a Comptroller of public works. He was pleas-
ed with the proposition, and when it should be brought up in the
proper place, he should support it.

Mr. COX, of Somerset, said, that he had waited for some one to
give the reasons for bringing in the senate as a body to the governor's
appointments; but had waited in vain: in his view, no possible good
could come from it. It had been tried in the general government, and
was not even a check: He then adverted to the difficulties which
took place between the President of the United States and the senate
during the administration of President Jackson. If the senate belong
to the same party with the President, it would be admitted to be no
check, and the Governor might think that the responsibility was di-
vided between him and the senate, and would not be so careful to
make good appointments. On the other hand, if the senate were of
different politics, then there would be a continual war between the
governor and Senate, and the whole Commonwealth would be in a
state of political excitement. The senate might take it upon them to
reject men, when not of the same party with themselves, because
they were zealous and active politicians, and not for want of charac-
ter, or their unfitness for the office. It would tend to bring the sen-
ate into disrepute, and perhaps to destroy it. It will be remem-
bred, that when the senate of the United States rejected the nomi-
nations of a late President, an excitement was got up, which resulted
in a change of the senate. So great was party feeling carried, that
the public journals in the interest of the President declared its favour
of no senate, and of dispensing with this branch of the government.
He hoped that this feature of the United States government, which
had not worked well, would not be engrafted into the Constitution of
Pennsylvania. It would lessen the responsibility of the Governor,
create a war between the executive and senate, and injure, if not de-
stroy, the senate itself.

Mr. AGNEW, of Beaver, said that the shape of the present pro-
position gave rise to considerable difficulty in his mind, and he had
no doubt in the minds of others. It connected the appointment of
particular officers with a general power in unprovided cases, which
had a tendency to render the question complicated. He thought there
should be some system pursued in the adoption of amendments. The
first, second and fifth articles of the Constitution related chiefly to the
organization of the three principal departments of government—leg-
islative—executive, and judicial, and investing them with their re-
spective powers. The sixth article related to those offices which were
subordinate in their character, and did not fall legitimately within the
first, second, and fifth articles. He thought it better to give, in this
section, to the Governor the general residuary power of appointment
with or without the control of the Senate, as the committee may de-
termine, and to leave for the sixth article the determination of the
method of appointment to the several offices as they came up for con-
sideration. This would enable us to act separately on the office of
Secretary of State, officers of the Land Departments, State Treasury,
Judicial officers, County officers and others, necessary to be provided
for by the Constitution. Unless some system be adopted, and this
appeared to him the most methodical, the committee would differ not
so much about principle, as about the proper place each amendment
should occupy. Compounded as this proposition was, he could not
vote for it, though some of its propositions, separately, might be un-
objectionable.

Mr. WOODWARD rose to state the reasons which influenced him
in voting for the proposition to give the Senate the power of confirm-
ing or rejecting the appointments of the Governor. In the first place;
it would make the Constitution of Pennsylvania conform, in this par-
ticular, to the Constitution of the United States. He believed that it
should assimilate to that instrument where practicable, that the youth
of the Commonwealth might be directed to both Constitutions, as
based upon the same principles. In the next place, it would secure
to the people the appointment of better officers. The Senators elected
by the districts which they represent, are responsible to the people,
possessing character and talents, would be able to give the Governor
information and advice, which he could not get from irresponsible
sources. This he considered a matter of primary importance, inasmuch
as the Governor could not be acquainted with candidates for
office in every part of the Commonwealth. There was also another
reason. It would have a tendency to check that insinuate subordi-
nency to the executive, which should always be checked in a free state.
That contrasts between the executive and the legislature should be
bargaining between the executive and his friends; for the Senate would
not lend its approbation to worthless and venal candidates. Where
is the evil that can arise?

The gentleman from Somerset has referred us to the difficulty be-
tween the Senate and the late President of the United States. He be-
lieved that no evil had resulted from this provision in the general gov-
ernment; on the contrary, he believed that benefits had resulted
from it. 'Instances may be cited where candidates have been reject-
ed by a factious Senate; but there was no permanent evil. If the
Senate were factious, the people corrected the evil, as in the case of
the present President, and Chief Justice of the United States. From
the nature of things, bad appointments could not be so easily made;
where the advice and consent of the Senate was required, as where
one man has the whole appointing power. It will bring the ap-
pointments nearer the people. It was true, the Governor was elected
by the people; but so were the Senate, and the Senators of the seve-
CONVENTION PROCEEDINGS.

(Continued from Monday.)

eral districts were more immediately responsible to the people of those districts than the Governor.

This gives the people a more direct influence in filling office than otherwise they would have. He would be willing to require the concurrence of the Senate in the appointment of attorney general; but he should not move that himself. He could see no better way in which the appointing power could be exercised.

Mr. COX, in reply to the gentleman from Luzerne, said we were here, not as the gentleman supposed, to assimilate the Constitution of the State of Pennsylvania to that of the United States; but to provide in the best manner for the happiness and security of the people of Pennsylvania. He agreed that if there was any thing in the Federal Constitution which had worked well, and which could be adopted with advantage, it would be proper to adopt it; but the gentleman had failed to show any advantage in this provision, while it must be admitted that some inconvenience had resulted from it. The reason which the gentleman had given, that the Senate could advise with the Governor, was insufficient; because the Governor could take their advice, and obtain from them any information he wanted, in regard to any appointment. It was no controlling power nor check, in case the executive had a majority in the Senate. Since the executive of the United States had obtained a majority in the Senate, no nomination had been rejected. Again: if the Governor had the spark of the old Roman, a rejection of a nomination would be a small obstacle; for, after the expiration of the session, the person rejected could be renominated. He believed the late President nominated a man by the name of Gwyn three times. In this way the State might be involved in continual political excitement. One objection to this was, that the rejection of any man, no matter whether qualified or not, would occasion a great hostility to the Senate throughout the State.

Mr. DENNY said, the only reason in favor of the change was, that it would secure the selection of better men for office. This was very well in theory, but in practice it did not work well. It certainly did not under the Constitution of the United States, where the nominations were considered in secret session, and were freely canvassed without any restraint. If it does not work well there, it certainly would not here, where it was not proposed.

and he hoped it never would be) to act on the nominations in secret session. In this case, the senators could not speak freely in regard to the fitness of persons proposed. He did not hesitate to say that, in this State, it would be better to devolve the whole responsibility of appointment upon the Governor, instead of dividing it between him and thirty-three senators.

Mr. SMYTH, of Centre, spoke in support of the proposition. He was the more convinced of the propriety of uniting the Senate in the appointing power, since he had heard the remarks of the gentleman from Allegheny. He asked the yeas and nays on the question, and they were ordered.

Mr. CLEAVINGER spoke in favor of the proposition, and concluded, in reply to the gentleman from Beaver, (Mr. Agnew,) that this was the proper manner to introduce it. In addition to the arguments urged in favor of the amendment, he should add, that recommendations upon which the Governor now relied were secretly got up, and the Governor by them was often induced to make bad appointments. The senators, on the other hand, being well acquainted with every part of the State, and each one knowing the merits and feelings of the men in his own district, would be much safer advisers than, any to whom the Governor could apply. The great principle that characterized our representative government was, that the people should not relinquish any power which they could exercise themselves, and that they should bring all appointments as near to themselves as possible.

Mr. FARRELLY said, to his mind, the responsibility of the Governor would be increased instead of diminished, by making his nominations to the Senate. He was, in the first place, responsible to the Senate for the nominations; and, in the next place, he was responsible to the people for them. Every one considered the President of the United States as responsible for all his nominations. If the Governor sought information from private individuals, he would be liable to frequent impositions; but upon the assent of the Senate he might with more confidence rely. Believing that this amendment was called for by the people, he should vote for it.

Mr. BELL said, his original proposition had, in the course of the discussion, been in a great measure lost sight of. The proposition involved a new principle; and, after the little consideration bestowed upon it, he thought it would be unwise immediately to act upon it. The question was, whether the people, through the Senate, should exert a portion of the appointing power? He was not, himself, prepared to act at once on this subject; and, unless the committee were unanimous now to take the question, he hoped they would rise.
The motion was disagreed to.

Mr. STERIGERE said, this was too important a question to be hastily decided, and there was no necessity for our acting upon it now, as we act every day. He renewed the motion, that the committee rise.

Mr. EARLE hoped, he said, that the committee would not rise until they had taken the question. He presumed every member's mind was made up on this question.

Mr. STEVENS said, the committee was not in a suitable frame to decide now; and, as there were so many gentlemen who were anxious to be heard upon the subject, and as it was after the usual hour of adjournment, he hoped the committee would rise. The question was important, and not more than a hundred of the delegates were present.

Mr. DICKEY hoped the committee would not rise, as he believed they were prepared to act now on the motion of the gentleman from Somerset.

Mr. BELL said, if the motion was withdrawn for the committee to rise, he would agree that the question should be now taken on the amendment of the gentleman from Somerset, and he would defer his remarks on the subject till to-morrow.

Mr. STERIGERE withdrew the motion.

Mr. FORWARD said, that he should vote against all those amendments, because they were out of place.

Mr. STEVENS hoped that the gentleman from Somerset would withdraw his motion to strike out, as nothing could be gained by taking a question on that. It would only have the effect to forestall the opinion of the committee on the subject.

Mr. COX withdrew the motion.

The committee then rose, and the Convention adjourned.

TUESDAY, June 13th, 1887.

Mr. BROWN, of Northampton, presented a memorial from sundry citizens of the county of Lehigh, on the subject of banks and banking, which was referred to the committee on that subject.

Mr. CURRLL presented a memorial of similar tenor, from sundry citizens of Armstrong county, which was referred.

Mr. MAGNFR presented a similar petition from sundry citizens of Perry county, which was referred.

Mr. COATES, of Lancaster, moved the second reading and consideration of the following resolution, heretofore offered by him, in respect to adjournment:

Resolved, That this Convention will adjourn on the 26th instant, and meet again on the 17th of October next.

Mr. WOODWARD moved to amend the resolution by adding, after the words 26th instant, "provided the fifth article of the Constitution shall by that day be passed through the committee of the whole."

Mr. DARLINGTON moved to substitute for the resolution the following:

Resolved, That this Convention adjourn on the 25th of July, sine die.

The Chair said the motion was not in order.

Mr. EARLE moved to postpone indefinitely the consideration of the resolution.

At the suggestion of Mr. MANN, Mr. Woodward modified his amendment so as to provide that the adjournment shall take place on the 26th, "if, on that day, all the articles of the Constitution shall be passed through the committee of the whole."

Mr. EARLE withdrew the motion to postpone.

Mr. DICKEY renewed it.

Mr. REIGART opposed the motion to postpone. The farmers were, he said, becoming impatient, and their business was suffering at home. Only one hundred members were here now, and more would leave us. With so small a number it was improper to proceed, and to require the attendance of the farmers would be unjust.

Mr. COX said the people had not called for this adjournment; and if gentlemen would run away from their duty, let them settle the account with the people. We came here to revise a Constitution, and ought not to adjourn until we had completed the task.

Mr. DICKEY said he might not object to an adjournment, after all the business had been passed through a second reading, and was ready for engrossment. The people expected us to finish the work, at least that far.

Mr. SHELLITO said he was a farmer himself; but believing that the people expected us to go through our work, he would be the last man to leave this hall, until something satisfactory to them and to ourselves was done. What should we look like, if we went home now? Like a pack of fools. It would be disgraceful to us, in the eyes of the whole country, to go home, leaving the business for which we were sent here, unfinished.

Mr. CURRLL was opposed, he said, to any adjournment, until the work was done, unless the health of the members of the Convention should be endangered by continuing the session.

Mr. FORWARD suggested, that those opposed to the resolution should agree to vote upon it now. It was important, even to those opposed to the adjournment, to know the sense of the House upon it.

Mr. BONHAM said, the people were extremely anxious to know what would be done on the important subject of amending the Constitution, and he thought we should go on and finish the work in time to submit it to the people at the October election. The people did not like to be kept in suspense, in regard to the amendments which should be made. He was in favor of continuing the session; and he did not believe that Harrisburg would be found unhealthy.

Mr. CUNNINGHAM thought, he said, with the gentleman from Allegheny, that this question of adjournment ought to be settled. Gentlemen talked about the people's wishes in the matter; but he did not believe they felt any anxiety on the subject at all. They did not expect or require us to continue here during the hot summer months, at the sacrifice of health and comfort. They wished us to do the work in a deliberate and thorough manner, to which object the hot season was unfavorable. The farmers would not stay here,
and there were thirty members absent now. We should be left with
the lawyers, who would stay, because they had little to do at home,
which he knew was the case with himself. The people had lived
happily under this Constitution for half a century, and they did no
wish to see it taken up and torn to pieces hastily, and without de-
liberation.

Mr. SMYTH, of Centre, remarked that he felt called upon to jus-
tify the farmers. It was said they would leave us. Some of them
might; but most of them, he trusted, would remain. He was in favor
of the postponement, and he thought we should get along much bet-
ter if gentlemen would forbear from pressing this question of adjourn-
ment, by which so much time had already been consumed. He was
a farmer, and he had no other occupation; but he was sure that his
neighbors would not permit his grain to suffer, nor that of any other
farmer here. He hoped we should go on and act on those amend-
ments which the people expected. He called on his brother farmers
to unite with him in opposing an adjournment.

Mr. FULIVER was in favor of a decision on the resolution, and he
was in favor of the amendment, because it held out a promise of ad-
journment on a certain day, provided we could then get through.

Mr. DICKEY said the question might as well be tested on the
motion to postpone indefinitely, as on the adoption of the resolution.

Mr. AYRES said, the farmers were disposed to go on and do the
business that they were sent here to do, so far as it could be done in
a reasonable time. The Convention of 1799 took a recess, in order

to get the opinion of the people on the amendments which they had
determined upon, and for a reason which did not apply to us. Their
motion was final, whereas our whole duty was to propose amendments
to the people. There was no occasion for us, therefore, to take any
recess. He was in favor of going on so far as we could, consistently
with health. The people had not contemplated an adjournment, ex-
cept from place to place. They expected us to finish the work be-
fore we left it.

Mr. HEISTER was personally indifferent, he said, to the decision
of the question; but it was highly important to the farmers to know
whether it was the determination of the Convention to take a recess
or not. If not, they wished to write home and make arrangements for
the conducting of their business in their absence. He did not believe
that the farmers would withdraw from the Convention, as had been
intimated. In order to test the sense of the Convention, he should,
at a proper time, make a motion that the Convention take no recess.
He thought that a recess was unnecessary.

Mr. STEVENS thought, he said, it was entirely unnecessary to
take a recess for the accommodation of the farmers, because many of
them had gone already, and the rest would soon go. We were left
here with lawyers, doctors, justices of the peace, and aged and
retired farmers, whose farms were managed by their children. Every
man who was better off here than at home, would stay; while others
who had business at home would go, some with leave and some
without. We would make just as good a Constitution without the
absentees as with them. Those who thought that the Constitution
ought to be taken to pieces, and cleansed and regularised, had the ma-
Jory with or without them. Whether we were all here or not, would
make no difference in the result. As we had determined to make
amendments, at all hazards, why should we go home without mak-
ing them, and expose ourselves to the complaints and taunts of our
constituents? Let us go on, then, and do the deed.

Mr. CUMMIN rose, he said, not to take part in the discussion
of the question, but to point to the clock, from which it appeared that
an hour had already been wasted on this resolution. How many
hours had been lost in this manner for some weeks past? If these
subjects could be got rid of, we should get along much better. If it was
in order, he would like to see a rule adopted excluding all propositions
not appertaining to the proper business of the Convention. He was
himself a farmer, but he left three good working hands at home;
and he believed, if he were prudent, that he could save enough
here to pay them all. The clamor for an adjournment did not come
from the farmers, but from others. Gentlemen were mistaken in
supposing that the people were quiet and approved our course here.
The letters which had been received from them, if read, would put
the matter in a different point of view. They did complain of our
waste of time in idle proceedings and debates. He would be the
first man to offer a rebate, but he did feel concerned at the waste of
time which he continually witnessed here. He hoped that the Con-
vention would drop the subject of adjournment, and go on regularly
with their business.

Mr. CUMMIN said, that the members were in the habit of mak-
ing long speeches, for the purpose of putting them on record for after
generations. But, if they would attend to the resolutions that they
had passed on the books of this Convention, stating the amendments
that ought to be made, it would answer a better purpose for their con-
stituents, than their long speeches.

Mr. DICKEY not wishing, he said, to prevent a direct vote on
the resolution, if it was desired, withdraw the motion of indefinite
 postponement, and asked the yeas and nays on the passage of the
resolution.

Mr. WOODWARD spoke in favor of his motion to amend.

Mr. HEISTER judged, he said, from the remarks of the gentle-
man from Luzerne, that he was in favor of remaining here till the bus-
iness was completed; and, wishing himself to ascertain the sense
of the House on that subject, he asked him to accept the following
amendment: Provided, that the Convention shall not adjourn to meet
either here or elsewhere, but remain here till they have finished their
work.

Mr. CHAMBERS opposed the amendment moved by the gentle-
man from Luzerne, as leaving the day of adjournment uncertain.
The only object of fixing a day of adjournment, was to enable the
members to bring the business to a close by that day; and also to
make their own private arrangements for their departure. But this
resolution, if amended as proposed, would effect neither of those
objects. It amounted to nothing at all; neither terminating the ses-
sion for a time, nor definitely. He was in favor of continuing the ses-

sion until some suitable progress was made in the business.

Mr. CURRII moved to postpone the whole subject till the 20th
inst. Lost—ayes, 48—nays, 55.

Mr. HEISTER moved to amend the resolution, by adding: "pro-
provided the business of the Convention sl all then be entirely finished."

Mr. BROWN, of the county, hoped, he said, we should go on with the business without fixing a day of adjournment. When we had gone through with the first reading, we might take a recess if it should then be deemed necessary; but not before. He moved the postponement of the whole subject indefinitely.

Mr. HOPKINS said, this Convention could not at the present time, with any propriety, fix the day of adjournment. The Convention, almost from its very commencement, had exhibited a feverish and frenzied impatience for adjournment. This is very disgraceful in a body called together on solemn an occasion. He should listen very reluctantly to any suggestions of private interest or inconvenience in relation to the business of this Convention. This was a trust as great as was ever reposed in any body of men for the happiness of the people of a great State throughout all time. In competition with such duties, he did not like to hear argued the importance of sowing a bed of buckwheat. The farmers and lawyers, who had no right to talk of their crops and courts, as requiring their attention, while this business of the public was in their hands. They knew the extent and nature of the duties they undertook, and, if they did not intend to discharge them, they should not have accepted the appointment.

He had heard no reasons of a public nature urged in favor of an adjournment. No arguments of public policy had been used, and the suggestions of private interest were entitled to no weight.

The question was then taken, and the motion to postpone the resolution indefinitely was agreed to—yeas 86; nays 27, as follows:


NAYS—Messrs. Brown of Lancaster, Chauncey, Chipp, Coates, Cran, Cunningham, Darling, Parter, Fuller, Hamlin, Harris, Hopkinson, Houp, Krebs, Lyons, Macay, Mann, Meredith, Miller, Pennypacker, Reigert, Rorer, Sellers, Selzur, Steevely, White Woodward—26.

Mr. AGNEW moved that the Convention take up, for a second reading and consideration, the following resolution heretofore offered by Mr. Stevens:

Resolved, That this Convention adjourn sine die, on the 7th day of July.

The motion was negatived without division.

Second Article.

The Convention resumed, in committee of the whole, (Mr. CLARKE, of Indiana, in the Chair,) the amendment of the report of the committee on the second article:

The 8th section, which is as follows:

8. He shall appoint all officers whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for; but no person shall be appointed to an office within any county, who shall not have been a citizen and inhabitant therein one year next before his appointment, if it shall not have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

The committee report in favor of amending it so as to read—"He shall nominate, and, by and with the advice and consent of the senate, shall appoint all officers," &c.

The question being on the motion of Mr. BELL, of Chester, to amend the report as follows:

Strike out all after "appoint" in the first line, and insert as follows:

A Secretary of the Commonwealth and an Attorney General, during pleasure; and he shall nominate, and, by and with the advice and consent of the Senate, appoint all judicial officers whose appointments are not herein otherwise provided for, as well as all officers established by law, when, by such law, the mode of appointment is not prescribed; and shall, in such cases, have power to fill up all vacancies that may happen during the recess of the Senate, by appointments which shall expire at the end of the next session."

Mr. BELL said, in the outset, and before he proceeded to give the reasons which led him to offer the amendment, he would call the attention of the committee to its provisions, which appeared to be misapprehended. He read the amendment, briefly commenting upon it. The question was put, and where it was asked, Mr. B., on a provision, but for its object misunderstood. He would tell gentlemen that we had at last achieved debating ground. We now, for the first time, occupied the arena in which the great question of reform was to be combatted, and where it was to triumph or be defeated. Here was the field on which this battle was to be fought, and he called on gentlemen disposed to gratify the oft-repeated wishes of the people, to stand shoulder to shoulder in the unflinching support of the proposed amendment; for he would assure them, that if we now fail in the attempt to get rid of the most objectionable feature of this present Constitution, we should find ourselves hedged round with difficulties which it might be found impossible to overcome.

He would now proceed to examine, somewhat in detail, but briefly,
the several features of his proposition, and endeavor to answer some of the objections which had been urged against it. It would be perceived that he gave to the Governor the absolute power of appointing the Secretary of the Commonwealth, independent of the advisory action of the Senate. Was he asked why this exception to the general plan contemplated by his amendment? He would explain. It was clearly to be gathered, from an examination of the present Constitution and the history of its formation, that, in creating the officer now called the Secretary of the Commonwealth, the framers of the instrument intended to provide a mere recorder of the acts and doings of the government; to be wholly independent of the executive; taking no part in the administration of public affairs, further than to record them. In the Constitution he is not styled “Secretary of the Commonwealth,” but simply Secretary; and the duties prescribed are chiefly those of a scribe. Looking at the officer in this character, it was entirely proper to make him independent of executive favor. But in practice, the Secretary has assumed another and a more elevated position. He is now, emphatically, the Secretary of the Commonwealth, the confidential and official adviser of the Governor; the head of his cabinet, and, to borrow a European title, his prime minister. Upon the capacity and honesty of this officer may depend the success of the Governor’s administration, and it would, therefore, be hard that he should not be at liberty to select this officer, untrammeled by the action of the Senate, a majority of which might be politically opposed to him. For the same reasons, it should be in his power to dismiss the Secretary whenever he deemed it necessary or proper. As to the Attorney-General, it might be doubted whether he was an officer at all required in the administration of the affairs of the State. It was not necessary, however, now to discuss this question; but inasmuch as the reasons which existed for giving to the Governor the absolute power of appointment in the case of the Secretary, do not apply to the office of Attorney-General, he should qualify the proposed amendment by striking out so much of it as relates to the appointment of that officer.

Let us proceed to the examination of the next feature of this amendment, the proposed introduction of the advisory supervision of the Senate. Its object was to meet the demands of the people by restricting the appointing power of the Governor, in every instance, except one, where it should be found necessary to leave that power in the hands of this officer. Its tendency, too, is to increase the responsibility of the executive in the exercise of this power. A Governor, who might be seduced into the appointment of an inefficient or dishonest man to office, where the merits and demerits were not to be subjected to searching examination, would hesitate long to submit to the Senate a nomination, which might call into question how far he was directed by purity of motive and weightiness of purpose, in exercising his power of appointment. Another reason was that it would secure the selection of better officers. Everyone is willing to acknowledge the importance of a respectable magistracy over a part of society. Squirearchy, who carries, for good or evil, a vast and immediate influence over the mass of the community. Why, sir, said Mr. B., how is the appointment of these and other officers now procured? The candidate carries round his petition, and begs the signatures of his neighbors. As few men have sufficient moral courage to decline compliance with such a request, urged by the applicant himself, names are easily procured, although the party may be notoriously incompetent to the discharge of the duties of the place to which he aspires. The petition thus signed is laid before the Governor, and if he be thus led into the error of making an improper appointment, he easily finds his apology in the list of signatures annexed to the petition, and thus divides his responsibility with hundreds of irresponsible persons. Nay, sir, this system of imposition has been carried one step further. It may, perhaps, be recollected by many gentlemen here, that not long since an individual, notoriously infamous, who was desirous of being appointed justice of the peace, borrowed the signatures attached to an old petition for a turnpike or rail road, and attaching them to his petition, actually cheated the Governor into granting him a commission of the peace.

But, the gentleman from Beaver (Mr. Dickey) objects to that part of the proposed amendment, which deprives the executive of the power of appointing to all offices created by law. Sir, said Mr. B., I heard the objection with surprise, coming as it does from a member who, I believe, acknowledges the necessity of reducing executive patronage. Indeed, this is so universally admitted, that any argument to prove it, would be extremely superfluous. But, sir, has the gentleman reflected on this subject? Has he looked to the Constitution and the laws in reference to this question? Does he recollect, that perhaps, nine-tenths of the officers known in Pennsylvania, are the creatures of statutory provision? The Constitution provides for a limited number of officers: every county officer, and your Prothonotaries, Registrars, Recorders, and clerks of courts, owe not their official existence to constitutional provision. They were known long before the revolution, and are mentioned in that instrument as already existing: Adopt then, sir, the idea of the gentleman from Beaver, and how much would he have done in carrying on the reforms demanded by the people? Nothing, absolutely nothing.

But, sir, this part of the proposed amendment has been misrepresented by other gentlemen. It has been said, that its object is to deprive the appointing power on the Legislature in every instance, where an office shall be created by law. But, gentlemen have but to read the amendment to disabuse themselves of this error. Its leading object is at once apparent. It is to get rid of that most objectionable feature in the present Constitution, which centers on the Executive the power of appointing to all offices created by law. Not that the Legislature is to appoint in every instance, although in some cases it would be convenient that they should do so; but that they...
should possess the right to say, who should exercise this power. And, sir, if you strip the Executive of his patronage, where are you to entrust the power to say who shall appoint to offices hereafter to be created, if not with the representatives of the people? Can any man look into futurity, and tell us what new offices the exigencies of society may demand in all time to come, so that we may provide a constitutional mode of appointment in every instance? It is unnecessary to answer. The prohibiting provision in the Constitution which denies to the Legislature the right to provide the appointing power, has long been felt as an evil in Pennsylvania! More than one effort has been made to get rid of it; but the language of this instrument is too explicit to admit success. The case of the canal commissioners is strongly illustrative of this fact. In 1820, the Legislature assumed the appointment of these officers. The then Governor, Shuize, doubtless feeling the objection arising from the Constitution, put the bill into his pocket, and, declining to annex his signature, permitted the bill to become a law after the lapse of ten days. Sir, it was understood, that the Legislature arrogated to themselves this power, on the ground, that a canal commissioner was not an officer, but an appointee—a truly nice distinction—one that strikes me to be without a difference. But the very next Legislature, feeling the force of the constitutional injunction, repealed the act of their predecessors, and referred the appointment to the Governor. Thus the attempt to get a portion of the power out of the head of the Executive, failed.

This, sir, said Mr. B., is only an instance of the perpetual struggle which has been going on between a democratic principle and an aristocratic feature of our Constitution; and the question now presented to us is, whether we will perpetuate this feature—whether we will longer submit to the action of this most objectionable provision—or whether we shall give the people an opportunity of striking it out, by the adoption of the amendment proposed. Mr. B. concluded, by demanding the yeas and nays on the question.

Mr. ASHEW said the gentleman misapprehended his remarks in some particulars. It was his wish, he had stated yesterday, to provide, in the 6th article, for the appointment of a Secretary of State, an Auditor General, an Attorney General, a Comptroller of public works, Judges, Prothonotaries, Sheriffs, Coramers, and all county officers, &c.

Mr. DICKEY spoke in reply to the gentleman from Chester. He objected to the amendment offered by the gentleman, and said he greatly preferred the report of the majority of the committee, for which he gave his reasons yesterday, but not so fully as he perhaps should have done. In the outset he would say, that he came here to strip the Governor of his patronage, in conformity with the well-known wishes of the people, but not to confer it on the Legislature. He would give to the Governor only one appointment at will—that of the Secretary of State—because he was the confidential adviser of the Governor; but all the other appointments not submitted to the people, he wished to give to the Governor and Senate.

Here he differed from the gentleman. He gives to the Legislature the power to create offices and fix their salaries, and also to appoint the officers. To this he was opposed. If they created the offices and fixed the salaries, he would not entrust them with the power of filling the offices. He was not for conferring so much power as this on the Legislature. Justices of the peace, he hoped, would be elected by the people, instead of being left to the appointment of the Governor and Senate, as the gentleman from Chester proposed; and all other offices now authorized, and hereafter to be created by the Legislature, would, he trusted, be filled by the Governor and Senate, as proposed by the report of the majority of the committee.

Mr. BELL here explained, that his amendment provided for the appointment of all officers now authorized by law, by the Governor and Senate.

Mr. DICKEY continued. He also asked, he said, for the same provision in relation to offices hereafter to be created. He wished to have all officers either elected by the people, or appointed by the Governor and Senate; and that was the question brought before us by the report of the committee. The gentlemen's amendment, then, was no test of the principles of reform. He hoped we should fix the principle by which every officer be appointed who is recognized by existing laws, and then we should only have to consider the question as to the appointment of persons to such offices as shall hereafter be created. As to the Secretary of State, the amendment in that respect could be made in the 15th section of the second article: and it was not necessary, on that account, to adopt the gentleman's amendment. He was an advocate of what had been termed a judicious reform.

Mr. STEVENS addressed the committee at considerable length—his remarks will be given hereafter.

Mr. BANKS said that this was a grave question. There was no man who did not feel difficulties, if he duly reflected. It was not a light and trivial question, the decision of which involved no lasting consequences. The present Constitution had stood the test of political storms and tempests for forty-seven years, during which time the people of Pennsylvania had been protected in their civil and social rights, he admitted; and had been prosperous and happy to, perhaps, an unexampled extent. It was, therefore, an important question, the decision of which might change the whole appointing power of the Commonwealth. He did not think that a change in this power was demanded by the people, in consequence of a loss of confidence in the executive department—not at all—the reasons were of a different character. A change was desired on other principles. The Governor of Pennsylvania, being elected by the people, felt themselves under obligations to consult their wishes. Hence it had been the practice for them to consult members of Assembly when applications were made for office; and when an appointment was urged, by a member, of a candidate which the Governor did not know, it was the practice of the Governor to say to the member—"put your name to this petition, and endorse the character of the candidate and the petitioners, and perhaps the appointment will be made." But, after all, the Governor was sometimes imposed upon. There was no method of letting the people know the course of their representatives in reference to appointments; and, although the member procured the appointment, the responsibility was shifted from his shoulders upon the Governor—and, honest in heart and purpose as he might be, he was made to suffer for the sins of others. Was it not their right to
Mr. SERGEANT said, that he wished to say a few words in relation to the proposed amendment. It contained two branches: First, the union of the Senate with the Governor, in the appointing power. Second, the leaving to legislative enactment the mode of appointment of all offices not enumerated in the Constitution. On the first branch, he would remark, that it blended the executive and judicial power together, which should always be avoided when practicable. The appointment of officers seems to be an executive act. All officers are appointed to carry the laws into execution—their appointment belongs not to the judiciary, nor to the law making power. Therefore, therefore, we blend the legislative with the executive power in appointments, we ought to have good reasons for so doing. What are the arguments in favor of this change? If we argue from facts, it will be difficult to show that this proposed change will be advantageous, because there are no facts. Only a one-sided view could be given. Gentlemen may easily find out what they think is objectionable in any system, as there is nothing perfect, and then undertake to remedy the evils, by adopting another without considering that the new system may have its disadvantages.

The gentleman from Millin has mentioned the facts, in relation to the formation of the Constitution of the United States. The report of the committee for a privy council was rejected on the ground, that the States would not have any voice of advising the President.

The Governor of Pennsylvania has a council—the Legislature is a consultative council—but now you wish to give him a controlling council. The government of the United States has been cited as a model. But what was the structure of that government which probably led to that feature? The Senate of the United States is a representation of States, where the smallest have an equal voice in the formation of the Union. In such a government, it was easy to see the importance and necessity of the Senate’s having the advisory power. It was a government created for the management of foreign relations, and all officers of that government had more or less to do with foreign relations. In such a government, if peace or war, it is not only necessary that a majority of the people should be represented in the House of Representatives and the President, but also a majority of the States by the Senate. It is on this account, that the consent and advice of the Senate has been made necessary in all appointments. The States chose to have a voice in relation to appointments, peace and war, and treaties.

But how was it in Pennsylvania? Was the government made up of separate commonwealths? Has it any foreign concerns? Does its Senate represent counties without regard to population? Now it is based on a popular basis for the purpose of making laws. Was there not then a difference? And if this difference is the only reason for this feature in the national government, the argument that it should be introduced into the government of Pennsylvania, because it exists in the government of the United States, fails entirely. Can any man give a reason why this power should be given to the Senate rather than the House of Representatives? The argument was, that the Senate possess local knowledge of candidates. But there is much more local knowledge in the House. Even in the House, every...
Mr. CURLY said, Mr. Chairman—As I have learnt this morning from the remarks of the gentleman from Adams, that we have masters and judges to scrutinize our conduct here, I want, sir, if I may, my constituents, not only to judge of my vote, but of a few reasons for it. I consider, sir, that we have at last got to the beginning of our work, to wit: an executive patronage. This, sir, has been the principle ground, together with the tenure of appointment to office, of which the citizens of this state have complained for upwards of 30 years; and latterly, so much so, that the present body were elected, or a majority of them, at least, for this express purpose, together with other important considerations, which have sprung up under 47 years trial of our written Constitution. It has been conceded on all hands, that the patronage of the Governor is too great; that it is a power and responsibility beyond that of the king of Great Britain; that a salutary check ought to be put upon the facility with which incompetent and unworthy men, through party favoritism, acquire office from a Governor: And by combining the Senate with the Governor in the appointment of officers, especially judges of our supreme court and court of common pleas, appears to me, and I am persuaded will to a large majority of my constituents, the only proper mode we can adopt. The proposition, then, of the gentleman from Chester, comes in very apropos; and his arguments, and the arguments of my worthy friend from Mifflin, this morning, have, if anything, been wanting to confirm my opinion, fully confirmed it. But, sir, what are the arguments of the opposition, or rather I might say the conservatists? Why, sir, the learned gentleman from Somerset, on yesterday brought in the scenes of the senate of the United States, with respect to their rejection of Mr. Van Buren and others, whom the President had nominated, as an argument against the adoption of the amendment of the gentleman from Chester. To-day the gentleman from Adams adduces over the same ground, when we jump our learned president, and daily tells us, in the very teeth of his brother conservatists, that there is no analogy between the Senate of the United States and that of Pennsylvania; and then proceeded with a train of observations, in my view, to say the least of them, very unsound, though calculated, perhaps, to lead the unwaried from pursuing and profiting the very work assigned them by their constituents. Why do these gentleman labour with a zeal worthy a better cause, to deprive the mass of the community of amendments to their Constitution? If the Senate shall be connecte, with the executive in making appointments, the people will be more choice when they elect. All men I hope are not so corrupt as some gentlemen seem to suppose. The Senate will have its own honour and reputation as a stimulus upon all its appointments. Why, then, will I who claim all the democracy, the exclusive friendship to equal rights and the supremacy of the laws, make such an effort to continue in the executive, a patronage which is the fruitful source of all the confusion and turmoil at our governor's elections? If gentlemen are serious with regard to no changes in this matter, as well as the judiciary, let them boldly affirm it. But let them not think, that they will either by low abuse, or by sophistry, drive a majority of the members of this body from the impetuous duty they owe to their constituents, to the Commonwealth and posterity. For my own part, I am for the amendment of the gentleman from Chester, because I think the best we can obtain; although I believe that some of my constituents would justify me in siding to strip the Governor of all patronage. I am not, however, a whole figure radical; I am not for breaking down any of the fundamental principles of the Constitution; only for sparing from that instrument every arbitrary power, especially that which exalts a Governor of a simple democratic republic above the monarch of Great Britain. But as much of the time the committee has been already spent, I have only to add, that those the true friends of reform will lay aside their little prejudices and unite as one man, and test the true strength of this body with regard to all essential amendments.

Mr. FULLER remarked, that he had, during the whole time that he had had a seat on this floor, refused to vote for amendments which were called for by the people. He did not consider, like the gentleman from Adams, (Mr. Stevens,) that this was uncalled for. On the contrary, he believed that this was one of the amendments which were sent here to make. It had been argued, that a check upon Governor's patronage would take away the responsibility from appointment power, and that it would create a scramble for office in legislative hall. He did not believe that the Governor would be responsible while it added a new responsibility—the responsibility of the Senate—and thus the rights of the people would be doubly secured. There was an advantage of having a responsible advice to the Governor. The Senators, coming from all parts of the State, would bring a personal knowledge into the Senate of every candidate. But giving the Governor the uncontrolled appointment of officers, not personally knowing the applicant, he would be obliged to rely on irresponsible information. He might ask the members of the Senate the character of the applicant, or the responsibility of signers to his petition for office, and they might give the informed if they pleased, or not. The member is not responsible, and can that the petition contains some good names, and that the petition an opposing applicant contains an equal number, or for may
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secret information which may operate to the injury of the candidate, and then shun all responsibility. If, then, the Governor can have no information which is backed by responsibility, he is obliged to judge for himself from the number of petitions, and, as has sometimes been said, by the weight of the petitions, as may appear without opening them at all. In this way, there was no certainty in having the best officers appointed—it is all chance, and the people become dissatisfied. Make the Senate the confirming body—make it the duty of the Senator who is chosen by the people from the very community in which the applicant resides, to give information; and the people, having an additional voice in the appointments, and a further security for their rights, will be satisfied. The Senate doors would be kept open, and the characters and qualifications of the candidates would be scrutinized, and men who could not stand the test would not often suffer their names to come before the Senate. It had been objected to, by one gentleman, that it would injure the character of candidates. He thought that this was a security to the people, and that no man should apply for office who would shrink from investigation.

The President objects to the Senate as a confirming power, because the great number of officers to be appointed will retard legislation, and carry political excitement into the legislature. It was a complete answer to this to say, that the people expect that the county officers would be made elective, and then the Senate, not having as much business as the other branch, would have sufficient time to pass on the nominations of judicial officers and heads of department.

There was another reason which had great influence with him; and that was, the people of Fayette county had, in two successive years, held county meetings, and passed resolutions in favor of this principle. These he considered himself bound to obey.

It had been stated, that this was not the proper place. He did not know a better place, and consequently he should vote for the amendment. There were but three things which he believed the people of his district were anxious to have done. One was the reduction of the Governor's patronage—the limitation of the judicial term—and a restriction upon the granting of corporations. Whenever these questions came up, he felt himself called upon to carry out the wishes of the people. He hoped that he had not been considered out of order in any thing which he had said on this subject, by any member of this Convention; and more especially by the gentleman from Philadelphia county, (Mr. Earle;) for, although the Chairman has not at any time decided that he was out of order, yet he should by very unwilling to be so far out of order as to interfere with the long speeches, and many speeches, of any gentleman who may, from an overheated imagination, conceive, that the whole weight of the business and responsibility of this Convention is resting on his shoulders.

Sir, said Mr. F., I should consider it doubly cruel in me to increase his brethren, by laying the weight of my finger on his load.

Mr. DENNY remarked, that, on yesterday, when he troubled the Convention with some observations, the debate was chiefly confined to the propriety of associating the Senate with the Executive in exercising the appointing power. To-day, gentlemen in favor of the amendment under consideration have brought into view, and discussed in connexion with it, the question of the Governor's patronage. This is the great subject of complaint. To reduce this patronage and divest the Governor of it, is what many desire in all parts of the state. The gentleman from Armstrong, (Mr. Curtl,) and the gentleman from Fayette, (Mr. Fuller,) both advocate this amendment upon this ground, believing that it is to take this power from the Governor. Sir, these gentlemen labour under a mistake, as to the effect of this amendment in divesting the Governor of the patronage so much complained of. It does not take from that officer the patronage now placed in his hands: But it does what is much worse: it leaves with him the patronage, but relieves him from much responsibility. The patronage is not diminished, and responsibility is divided. The amendment does not accomplish what the gentleman from Chester, (Mr. Bell,) who introduced it, professes to have in view. Does not this proposition still leave with the Governor the whole power—the sole power to nominate? The power to nominate rests nowhere else—it is exclusively his. No individual can be placed in office under this amendment, but through the Governor. Is not this patronage? It is true, the senate may not confirm the nomination; but they can neither nominate, nor appoint. No one can get into an office against the will of the Governor; and so far as we can judge from experience elsewhere, the senate would seldom differ from the Executive; so that the applicant who secures a nomination by the Governor, is almost certain of obtaining the appointment.

Mr. D. said he was for actually diminishing the patronage of the Governor, by taking from him the appointment of the county officers throughout the Commonwealth, and restoring the choice to the people. Let the people elect these officers. This would tend greatly to remedy the evils complained of as arising from that pro-
life source, the power now possessed by the Executive of be-stowing office. The change proposed is not advocated on the ground of want of confidence in the Executive, nor of any abuse of this power by any of our governors, but because of the excitement, the pernicious influence, and the commotions which are produced at our elections for Governor.

Gentlemen should take care in their eagerness to make some alterations which they may deem reform, in their zeal for introducing innovations upon the Constitution, that they do not lose sight of and violate sound democratic principles. The gentleman from Chester (Mr. Bell) has told us, that his amendment was intended to cor-rect what he called an aristocratic feature in our Constitution. Its operation is entirely different: it strikes from our Constitution a prominent democratic feature, to wit: the direct responsibility of the Governor to the people, and substitutes one of a different character. It is sound democratic doctrine, that all appointments should be made either by the people themselves, or by persons chosen by them, and least distant from them. All appointments should be made in conformity, as nearly as practicable, to the wishes of the people; and what is equally important, in the exercise of this power of appoint-ment, there should be preserved, scrupulously, a direct responsibility to the people, the source of all power. The amendment conflicts with these principles. Under our democratic Constitution, the power of appointment is vested in the Governor, who is the servant of the people, who derives his power immediately from them, and they have all had an equal voice in electing him. He will always endeavor to comply with the wishes of the people; to them he is immediately responsible for the proper exercise of the powers entrusted to him. Should he abuse this trust, and disregard the wishes of the people, he becomes at once exposed to their just reproaches, and may be visited with their indignation, and rejected from their confidence. It is, therefore, not only his duty, but his interest, to carry out the views of the people, and, being so near to them, he cannot but feel his responsibility, and will act accordingly.

What does the amendment propose? It proposes to remove re-sponsibility from the Governor to the Senate. Associate the Senate in this appointment power, and you interpose an irresponsible body between the Governor and the people: you introduce a shield to pro-tect him from their dissatisfaction. The character of the organiza-tion of the Senate renders them irresponsible to the great mass of the people. Chosen in separate and distinct districts, they feel no responsiblity but to the people composing the districts which they respectively represent. The Governor, chosen immediately by the whole people, feels that he is accountable to the whole and every portion of them, and they look to him as their agent. Under this amendment, should the people complain to the Governor of improper appointments, he could reply, I did nothing more than perform my duty in sending to the Senate the names of the individuals who had applied, or were recommended for office: it was the duty of the Senate to scrutinize their characters, and judge of their qualifications and integrity. The Senate is to be censured for advising the ap-pointments.

All responsibility is virtually lost when divided among so many agents. A candidate may be named to the Senate in accordance with the wishes of the people in a particular district. The Senator representing it, may support and recommend the appointment, and yet the nomination may be rejected. One may be nominated to whom the people of the district may be opposed; the Senator may remon-strate against the appointment yet it may be forced upon the people against their wishes, by individuals not selected by themselves and irresponisible to them. The complaints and indignation of the people cannot reach them—they have no sympathy with that portion of the community, whose rights and feelings have been disregarded.

Much has been said by the advocates of this amendment, because it institutes a supervisory power over the Governor; but it takes away a more wholesome one, the supervisory power of the people. I am in favor of a power of this kind: it should always exist, but it should be lodged in the proper hands. The same reason which is urged for maintaining this supervision over the Governor, is equally applicable to the Senate. Nothing of the kind, however, is provided for. The supervisory power of the people is withdrawn, and the Senate is to be erected into an irresponsible appointing power, independent of the great majority of those interested in its proper exercise.

Mr. BIDDLE said, that he should vote against the amendment, for the reasons ably set forth by the gentleman from Adams, and by the President of the Convention, and for other reasons drawn from the amendment itself. It provides that the Governor shall have the absolute appointment of no other officer than the Secretary of the Commonwealth. He was not prepared to restrict the power of appointment so narrowly. The gentleman from Chester, who offered the amendment, no longer ago than this morning, thought that at least one other officer should be included, the Attorney General. He has since agreed to omit that officer. The amendment further provides, that “he (the Governor) shall nominate, and, by and with the advice and consent of the Senate, appoint all judicial officers whose apppointment is not herein otherwise provided for.” It then commences the Convention on two important questions—first, that the Governor shall appoint some judicial officers—and second, that he shall not appoint other judicial officers. On neither of these questions is the Convention prepared now to act. They have not been considered nor debated. The amendment next provides, that the Governor shall nominate to the Senate all other officers appointed by law not therein otherwise provided for. But it is not yet settled what officers will be appointed under the 8th article of the Constitution, nor by what tenure such officers shall be held. Until this be settled, action on the subject is premature. The question is not one on the diminution of executive patronage. Almost every one who has opposed the amendment has expressed himself in favor of such diminution. Appeals have been made to particular portions of this Convention. Such ap-peals are to be regretted. All here assembled are engaged in the discharge of responsible duties, and no patriotic object can be an-served by drawing lines in this body, nor by creating party divi-sions.

Mr. CUNNINGHAM said, that he had discovered that there was a majority in the Convention in favor of some change in the appointing power, and the plan here proposed was to give it to the
Governor and Senate. He was satisfied with the Constitution as it now is in this particular; and he did not know that the people had ever complained. As, however, a change was expected, he would propose an amendment which would undoubtedly suit the radicals; at least, it ought to, and that was to substitute the house of representatives for the senate, as the confirming power of the nominations of the Governor. The house of representatives was much nearer the people than the senate, and if local information was desired, the house ought to be substituted. He therefore moved to strike out the word "Senate," and insert "House of Representatives."

He said it had been objected to the present provisions of the Constitution, that the appointing power was too far removed from the people. If that was the case, here was a remedy for the defect. Let the House of Representatives be the appointing power in connexion with the Governor. The gentleman from the county of Philadelphia (Mr. Brown) said, sometime ago, that he had lost all confidence in senate; he thought, therefore, he could calculate upon his vote for the amendment; and another gentleman, who was styled the father of the Convention, would also, he hoped, agree with him in placing the appointing power in the hands of the House of Representatives, not the senate, if it was to be altered at all. The House of Representatives was so numerous that it could not be so easily corrupted as a smaller body. The power of the executive could be brought more immediately to bear upon the senate than the House. Those gentlemen who were so much in favour of radical reform, would certainly be opposed to placing the power of appointment in the hands of the senate, which body was further removed from the people than the Governor. He would not like to see the senators from Philadelphia dictating to his county and to the western counties the appointment of their officers.

Mr. BROWN, of the county, said he should certainly go with the gentleman for the amendment. It was true, that he had been little inclined to confide in the senate, and he was now still less so, after hearing the testimony borne against them by a gentleman who had lately presided over the state senate. But he thought that, by the time we got through the sixth article, there would be few officers left for the governor to appoint. He was in favour of giving most of the appointments in the people, perhaps all, except the judges of the courts.

Mr. BELL expressed the hope that the question would be taken without further debate, for he regarded this motion as one of the contrivances for smothering the proposition.

Mr. EARLE rose to call the yeas and nays on the motion. He should vote for the amendment himself, and he was very glad to find the gentleman on such democratic ground. He briefly remarked on the subject generally.

Mr. STEVENS said he should vote for the amendment, not that he was in favor of it, but as a lesser evil than the original proposition; and he should probably vote against the amendment, if thus amended. He thought the House of Representatives infinitely preferable to the Senate for the purpose of making appointments, because it was composed of persons from almost every county. Only half the counties were represented in the Senate; and to give that body the power of appointment, would be to take away from the counties and from the people the right to appoint their officers.

Mr. BELL said he had not considered this motion a just one; but as it was pressed, he demanded the yeas and nays, and they were ordered.

The question being taken on the motion of Mr. CUNNINGHAM to strike out "Senate" and insert "House of Representatives," it was determined in the negative—yeas 75, nays 90, as follows:


Mr. FORWARD moved to amend the amendment, by striking out all after the word "pleasure," and inserting the following: "all other officers created by this Constitution or by law, shall be appointed by the two branches of the Legislature, except otherwise authorized by law."

Mr. FORWARD asked the yeas and nays on the motion, and they were ordered.

The amendment was negatived—yeas 38, nays 75.


Mr. AGNEW moved to amend the amendment by inserting the following: "he shall appoint all officers not hereinafter provided for, subject to the qualifications and restrictions hereinafter declared."

Mr. Agnew explained the object of his motion.

Mr. SMYTH, of Centre, called for the yeas and nays, which were ordered.

Mr. STEVENS said he should vote for the amendment, as it did away with one of the objections which he had to the proposition, which was, that it left a great number of officers to be appointed by the Legislature without designating them.

Mr. AGNEW said, in explanation, that his object was to refer the qualifications and restrictions to the 6th article.

After some conversation between Mr. Forward and Mr. Agnew,

Mr. DICKEY said, the proposition of his colleague was only to defer the question of the appointment of certain officers till we reached the 6th article.

Mr. BELL said he was not surprised at the ingenuity of the modes devised to evade the proposition, because it presented a principle which this Convention must now settle, unless they wish to see the scenes of the last two days re-enacted: He replied to some of the objections made to his amendment, addressing himself, as he said, chiefly to the friends of the measure, well knowing that its opponents could not be convinced.

Mr. DARLINGTON rose to offer some remarks, and, as it was now late, moved that the committee rise. Lost.

The question was then taken, and the motion was rejected—yeas 41, nays 71, as follows:


Mr. COX moved that the committee rise, which was rejected.

After some conversation, the committee rose, and, at about seven o'clock, the Convention adjourned.

Remarks of Mr. STEVENS in Committee of the whole, in Convention, June 12, 1837.

Mr. STEVENS said: Having reluctantly but inevitably come to the mournful conclusion, that all the vital parts of this venerable and hitherto venerated Constitution of ours, are given over to immolation, as a sacrifice to the restless spirit of change which has taken possession of this Convention, I do not address you on this occasion with the hope of staying the hand of destruction which is raised against it; but simply to offer the reasons which, to my mind, are all-powerful for resisting the degradations which are making upon this article of the great charter of our rights. The amendment proposes two things: to take away from the Governor all agency in the appointment of all officers, except the Secretary of the Commonwealth and the judicial officers; and secondly, to curb and restrain his action, by the supervision of the Senate, in the appointment of those which remain to him. I am opposed to both of these amendments to the extent proposed. I am willing and desirous of taking the appointment of all the county officers—Registrars, Recorders, Prothonotaries, and Clerks of the courts from the Governor, and giving their election to the people. I would not object to putting the justices of the peace into the same hands, if this would shelve the burning thirst of the reformers. But I cannot, and my constituents will not consent to go much further in mutilating an amendment which we and they have found a faultless and perfect protection of all their civil and religious rights—of their lives, their persons, and the titles to their property. Experiments in governments are dangerous things, when the lands and the houses, and the personal estate of a whole people, depend upon the result. I am opposed to this amendment, not only because it proposes too great and radical a change, but because we can hardly perceive, and the people will scarcely know, the full extent of its operation. By the present Constitution, the Governor has the appointment of all officers under it, which are not expressly taken from him. The present amendment proposes to take from him all that are not expressly granted. What will be the result? How many officers now existing, and not enumerated in the amendment, will there be to be provided for by legislation? Can any of you tell? I presume not. There are certainly many. But if you cannot tell, how long will it be before the Legislature will discover and provide for them? How many omitted cases will arise after the most diligent scrutiny? How many imperfections of the duties of those offices will arise, in consequence of such omissions? How many questions of private rights will grow out of such imperfect executions of official duties? How many remedial laws will be required to cover the defects? And how many law suits to determine the constitutionality of such laws will have to be tried, to settle new matters arising under this amendment, before the people will feel safe in the enjoyment of their estates, which have grown up under and been protected by the present Constitution? Sir, I can see much; but my imagination cannot conceive the full extent of the confusion and distress, which we are likely to bring upon a happy and hitherto contented people.

If we were to enumerate those officers which the Governor should not appoint, and provide for their election, and give him the appointment of all other officers, whether now existing, or hereafter to be...
created, no omissions, no mistakes, no errors or difficulty could arise to create litigation, or unsettle the tenure of property. The extent of the change would be perceptible at once, and no occasion for numerous law suits, which, however profitable to counsel, are ruinous to clients. But why take the appointment of the heads of the departments, the Surveyor General, Attorney General, Secretary of the Land Office, and Auditor General, from the Governor? They are essentially a part of his cabinet. His own comfort, and the comfort of each of them, as well as the public interest, require, that there should be perfect harmony, and unity of views and action among them. But if you take the appointments from the Governor, it may, and probably often will happen, that he will be of one party, and entertain one set of principles; and they be of another party, and hold entirely opposite principles: discord and opposition must then disturb their counsels, and injure the interests of the State. The appointment of the canal commissioners, or managers of the public works, is taken from the Governor and given to the Legislature, it seems to me that the most injurious consequences must ensue. If the Legislature happen to be hostile to the Executive, they will dictate their own will in the appointment of canal commissioners, who are his enemies also. Instead of harmony, and a friendly desire to aid each other in their several departments, the struggle will be, who shall do the other the most injury, and render him the most unpopular. And thus, our great system of central improvements, instead of being managed with a single eye to the interests of the State, will become the prostituted weapon of avarice upon the Governor. It is far better to have less efficient public agents, acting in friendly concert for the public good, than to have better men plundering the public to provide the means and instruments for carrying on a contest against each other, founded on personal hatred or political rivalry.

Why vest the power of appointment in the Legislature? Their legitimate duty is to enact laws, and not to appoint those who are to execute them. Sufficient inducements are now held out to them to take them so far from the path of duty, without multiplying the impositions by placing the patronage of this great State at their disposal.

But why is the Senate to be associated with the Governor in the appointment of officers? Gentlemen tell us, that the Senators coming from different parts of the State, will have a better knowledge than the Governor can, of the candidates and their qualifications. I opposed to the gentleman who offered this proposition, so to amend, that when officers were to be appointed for particular districts, the senators from those districts alone should have the power of confirming or rejecting the nominations. If the arguments of gentlemen in favor of the advisory power of the Senate were worth any thing, they would avoid the propriety of giving that power solely to those acquainted with the candidates, and whose constituents alone were to be affected.

The Governor and the Senate would either be of the same political party, or of hostile parties: if of the same party, the Senate would be a check upon the Governor, as there would be perfect concert before the nomination, and therefore this supervising power would be useless. If they were of hostile parties, constant and bitter collisions would exist between them, which would greatly disturb the faithful discharge of their other duties.

Have we not a melancholy example in the late contest between the President of the United States and the Senate? The President nominated several officers, whom the Senate, whether right or wrong I will not say, rejected. In many of the cases the President refused to make other nominations; and, after the adjournment of Congress, appointed the same individuals to the same posts under some different form, or suffered the office to remain vacant until he could conquer the Senate. Instead of respecting their “advice and consent,” and being guided by it, he declared war upon his refractory advisers; sent the proclamation to his host of servile office-holders; brought the whole forces of his immense patronage to bear upon the freedom of elections, until he so far corrupted, persuaded, and intimidated the people, as to triumph over what was intended to be, and what ever ought to be, an independent branch of the government, and rendered them his subservient and trembling tools! Do gentlemen desire to see similar scenes acted in Pennsylvania? If this amendment prevails, we may see it with every new election of Governor. The Senate will either prostrate the Governor, or the Governor the Senate. If nominations are rejected by hostile Senators, the Executive, from necessity or inclination, will single out the opposing Senators, and bring all his influence to bear upon their constituents to procure their defeat. In this war of extermination, the interests of the people will be forgotten, and trampled under foot. All that will be gained in allaying the bitterness of party, by taking the appointment of the county officers from the Governor, will be lost by this unnecessary amendment—this eternal turmoil between branches of the government which ought to feel nothing but kindness for each other. The Senate will become unfit for its legislative, and the Governor for his executive duties.

With regard to justices of the peace, I am willing to make them elective by the people, although I cannot join in the denunciations against them as individuals, in which gentlemen have indulged. Some unworthy men among them there undoubtedly are; but the great body of them are men of great moral and intellectual worth. To show the facility of procuring appointments at present, the gentleman from Chester has mentioned a case, where one obtained his commission by taking the names from a turnpike petition, and attaching them to a recommendation for that office. The gentleman did
Mr. COATES presented a memorial from sundry citizens of Pennsylvania—praying such an alteration of the bill of rights, as will extend the trial by jury to every human being, which was referred.

Mr. CHAUNCY obtained leave of absence for a few days.

Mr. COPE, from the committee on accounts, reported two resolutions for the payment of contingent expenses of the Convention.

SECOND ARTICLE.

The Convention proceeded to consider, in committee of the whole, (Mr. CLARKE, of Indiana, in the chair,) the reports of the committee of the second article.

The following report on the eighth section being under consideration:

Sec. 8. First line to read, "He shall nominate, and, by and with the advice and consent of the Senate, shall appoint all officers," &c.

Mr. BELL offered an amendment, which, as modified by him yesterday, is as follows:

"A Secretary of the Commonwealth and an Attorney General during pleasure; and he shall nominate, and, by and with the advice and consent of the Senate, appoint all judicial officers whose appointment is not herein otherwise provided for, as well as all officers established by law, when, by such law, the mode of appointment is not prescribed; and shall, in such cases, have power to fill up a vacancy that may happen during the recess of the Senate, by appointment which shall expire at the end of the next session."

Mr. DARLINGTON, who was admitted to the floor, addressed the committee in opposition to the amendment, and in reply to the arguments of his colleague, (Mr. Bell,) and of the gentleman from Mifflin, (Mr. Banks.) He was opposed to the principle which governed the report of the committee, and he considered the arguments in favor of it, which have been drawn from the analogy between the State and the national governments, as inapplicable to its question. But on this question, as there was apparently a decided majority of the committee in favor of the principle of connecting the Senate with the Governor in making appointments, he should content himself with recording his vote on the subject. But in order to express a distinct opinion on that question alone, it would be necessary to reject the amendment of his colleague, and adopt the
port of the majority of the committee. His colleague's amendment presented another distinct question, as to which he should make some marks. He proposed to invest the Legislature with the power of filling such offices as they might create. This was a distinct proposition, and ought to be kept distinct from the others, and upon this, he hoped the committee would have an opportunity of acting, without connection with any other question. The object of the mover was to take the power of appointment from the Governor, in order to confer it upon the Legislature, and he had included in the proposition a number of distinct subjects which had no connection with that object.

Why was the office of Secretary of the Commonwealth included in this section? Why was it taken from the 15th section, where it properly belonged, unless it is intended to procure votes for the other less acceptable propositions included in the same amendment? Why should the judicial officers be brought out of their natural and appropriate place, the 5th article, except to make the amendment more palatable to those who have objections to some of its features! It was probable that we should, before we finished our work, provide for some new officers. Suppose we appointed a Comptroller of public works, then we should have an officer provided for, without my power, either in the Governor, Senate, or the Legislature, for its appointment. If the Governor and Senate are to be restricted to judicial appointments, there will be no authority anywhere for the appointment of such new officers as may be created by this Constitution. He objected strongly to the proposition for investing the Legislature with the power to create and fill offices. He assumed for granted, that no such provision existed in any other Constitution; for he had found none, and none had been brought forward by any of its advocates. The power would be liable to gross abuses; and it would be an inducement to the Legislature to create offices for the purpose of filling them from their own body. If they did not fill them themselves, then they were left at liberty to invest the Governor, or the Governor and Senate, or the Governor and House of Representatives, or the Senate and House of Representatives in joint allot with the power; and for this reason, the amendment left, in fact, the whole question of appointment loose and unsettled. We had heard much about the abuses and assumptions of the Legislature from some gentlemen who thus propose so greatly to increase its power or mischief. But, gentlemen said that the people demanded a diminution of the executive patronage. This was true only to a certain extent. From no quarter of the country had there been any expression of opinion in favor of such a proposition as was now under consideration; and still less for diminishing the patronage of the executive for the purpose of increasing that of the Legislature. The people, at least, thought that the government of Pennsylvania should be agreed that it ought to be deliber-ately and fully discussed.

The policy of depriving the Governor of his present power of appointing all officers, he proceeded to consider. He referred, in detail, to the vast powers and extensive appointing patronage of the Governor, and remarked that he wanted but the name and robes of royalty to make him "every inch a king." He took a view of the consequences of investing the Governor with so much power; its demoralizing effects upon the politics, the press, and the elections of the country. He asked whether the spirit of the press, and the public state and feeling, had not been degraded and vitiated in the fierce struggles for power growing out of the desire in the contending parties to control the mighty influence and patronage of the Governor for their own advantage? He asked whether the press, which ought to be the palladium of our liberty, was not prostituted to the wretched, grovelling, and wicked purpose of defaming, blackening, and blighting the character of all our public men—men whose reputations are a part of the property and the glory of the whole State? The people had sent us here to lay the axe at the root of this great evil, which was overshadowing the land with its pestiferous influence. Had not the people, with one voice, declared that the remedy of the evil was in the reduction of the vast power and patronage of the Governor? The question for us to decide, was upon the best mode of reducing the Governor's patronage. He believed that it was necessary to lodge the power somewhere; and nowhere, in his opinion, could it be so safely and beneficially lodged as in the Senate. It was a stable body—a body of high character—well acquainted with the people and the landmarks of the country; all of which singularly qualified them for the duty of advising the Governor in relation to executive appointments. The corresponding branch of the federal government was invested with this power.

He held that this example of subjecting executive appointments to the supervision of the Senate, was entitled to our consideration and imitation; and he contended that this principle had produced beneficial effects in the general government. The principle was that some power should supervise executive appointments. The Constitution had wisely reposed that supervisory power in the Senate, and where could we lodge it, in the State government, better than in our Senate? The whole subject of executive appointments was, he said, lately discussed in the Federalists, and he asked the members of the
committee to give their attention to some clear, lucid, and unanswerable arguments in that work, in favor of lodging the power in the Senate; and he would ask gentlemen to say whether these views did or did not forcibly apply to the condition of things in this State? The same reasons which induced the framers of the Constitution to adopt this restraining power over the executive patronage, should induce us to adopt the same principle. Mr. Woodward pursued the arguments in support of the general principle of restraining the executive, in the power of appointment, at great length.

It was not to be supposed, he said, that senators would act blindly and partially, accountable as they are in their constituents for the exercise of their power over nominations. He did not apprehend those contests between the Governor and the Senate, in regard to those appointments, that were anticipated by some gentlemen. If the Governor and the Senate were of the same political character, then the only inquiry of the Senate as to any nominee would be, "is he honest—is he capable?" But if the Governor disagreed with the majority of the Senate, and, coming into office but from an excited struggle, should attempt to force into office the degraded tools who had been in the contest, the Senate would say, "we reject these men—give us the honest and respectable men of your party, in whom we can repose confidence." He submitted whether, in this case, the restraining power of the Senate would not contribute to the credit, honor, and welfare of the people? He replied, at length, to the argument that the proposition tended to blend executive with legislative powers; and contended that, while it furnished a proper check to the Executive, it did not interfere with a just and proper distribution of power. He asked what new State, in forming a Constitution, or what old State in reforming a Constitution, for the last forty-seven years, had ever copied from us our provisions in relation to executive power? What State had gathered up, en masse, all the patronage and influence of the government, and "heaped it upon the Executive, without any restraint or control?"

He congratulated the committee that party principles were not made the ground of action here, unless he should except a party appeal made by the gentleman from Allegheny; and he did not believe that even he would wish these questions to be decided in reference to any mere party speculations. There were two modes of reducing the Executive patronage, the fruitful source of the evils which mainly induced the people to call this Convention and direct the revision of the Constitution: the point was to give the people the rights which belonged to them, viz: by the election of county officers and magistrates; and, second, to restrain the power of the Governor, by requiring the assent of the Senate to his nominations. For these two great measures of reform, he trusted that the majority of the committee were prepared.

Mr. BROWN, of the county of Philadelphia, said, he would, in a very few words, place the committee in possession of the reasons that would influence his vote. He would vote for the amendment of the gentleman from Chester, not because he approved it, but merely to get on with the different articles of the Constitution, until the respective offices now contained in the fifth, sixth, and other articles, were disposed of, and then the section could, on second reading, be made in accordance. He considered the amendment better than the section now in the Constitution; but both, he thought, ought to be stricken out, or very much modified, and he did not think any reformer who might vote for either, would do so with any intention to sanction their principles. Mr. B said he would go with the gentleman from Allegheny, [Mr. Forward,] and with him who would go farthest, in giving back to the people the election of all their agents; and when he could not thus obtain for the people that power, which fifty years' experience under the present Constitution had shown they could best exercise, and which he had no doubt fifty years' further experience would clearly show they could and ought to exercise to its full extent, he would then go with that gentleman to place the appointments in the Legislature, as most responsible to the people, and he would only, as a last resort, give it to the Governor and Senate as an evil, less, if less it was, than giving it to the Governor alone. He agreed with the gentleman from Allegheny on another point.

He (Mr. B.) would have constitutional provisions for the appointment of all the officers that now are, or that may hereafter be created. If, said he, the Convention should determine that they would, that justices of the peace and local magistrates ought to be elected by the people, then he would require, by the same article, that all such officers that may hereafter be created, shall be thereby elected. If it should be determined that the judges of the supreme and county courts ought to be elected by the Legislature, he would have all such offices that may hereafter be created, thus appointed. If it should determine that county officers ought to be elected by the people of each county, then he would have all county officers that may hereafter be created, thus elected. So, if the Convention should determine that the constitutional principle of restraining the Executive, in the Senate, should induce us to vote for either? He would do so with any intention to sanction their principles. He (Mr. B.) would have constitutional provisions for the appointment of all the officers that now are, or that may hereafter be created. If, said he, the Convention should determine that they would, that justices of the peace and local magistrates ought to be elected by the people, then he would require, by the same article, that all such officers that may hereafter be created, shall be thereby elected. If it should be determined that the judges of the supreme and county courts ought to be elected by the Legislature, he would have all such offices that may hereafter be created, thus appointed. If it should determine that county officers ought to be elected by the people of each county, then he would have all county officers that may hereafter be created, thus elected. So, if the Convention should determine that the constitutional principle of restraining the Executive, in the Senate, should induce us to vote for either? He would do so with any intention to sanction their principles.
CONVENTION PROCEEDINGS.

(Continued from Wednesday.)

with him. He would not leave any power that could be exercised by the people in the hands of one man, or thirty-three men; the "forty tyrants" of Athens were nearly as bad as any of the single tyrants of Rome, and he would not trust either the one or the other any farther than would be found absolutely necessary.

Mr. STERIGERE moved to amend the amendment of Mr. Bell, by striking out and inserting the following:

8. The Governor shall nominate and, by and with the advice and consent of the Senate, appoint all officers whose offices are established by the Constitution hereby amended, and whose appointments are not herein otherwise provided for, or which have been or shall be established by any law in which the appointments may not be prescribed: And shall have power to fill up vacancies in all offices by appointments, which shall continue till the office shall be filled as herein directed. But no person shall be appointed to any office within any county, who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected; but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken. No member of Congress from this State, or any person holding or exercising any office of trust or profit under the United States, shall, at the same time, hold or exercise any State or county office in this State, to which a salary is by law annexed.

[Mr. STILL addressed the committee at some length—his remarks will be given hereafter.]

Mr. HOPKINSON remarked that, in forming a free government, there had always been a difference of opinion in reference to the powers which it was deemed proper to give to the Executive. The legislative and judicial departments were substantially the same in every free State. But, in reference to the executive department, there has always been a diversity of opinion, which had embarrassed enlightened men in forming a free Constitution from the date of Constitutions until the present. It is not, therefore, strange, that there should exist a difference of opinion here. But when gentlemen tell the Convention, that such a provision is in the Constitution of such and such a State, he could pay no regard to it; for no one could tell what effect it might have, unless the whole Constitution of such a State was brought before us. A Constitution was formed as a whole, and the adoption of one provision, without its corresponding one, might introduce confusion, and make the Constitution inconsistent with itself. Pennsylvania has been legislating for one hundred and sixty years, and has been, from time to time, benefiting herself from experience. That she ought to take lessons from the new States, he would not admit. The gentleman from Luzerne (Mr. Woodward) has told us of a gentleman from Pennsylvania, who was a member of the Convention which formed the Constitution of Michigan. He did not doubt the talents and integrity of that gentleman; yet he believed that he would blush to be ranked with a McClean, a Lewis, a Wilson, and others who formed the Constitution of 1790. The Constitution of Pennsylvania was formed soon after that of the United States; and its framers not only had the experience of those who formed the Constitution of 1776, but of those who formed the Constitution of the United States. Some of the very men who formed the Federal Constitution, were members of the Convention that formed that instrument under which we have lived for forty-seven years.

They understood the reasons why the Senate of the United States was made the confirming power, and if those reasons had operated to introduce such a provision into our Constitution, they would have most assuredly been urged. If there had been any thing in the constitution of the State government that made it necessary to introduce this feature into the Constitution, there would at least have been an attempt to do it.

The committee then rose, and the Convention adjourned.

WEDNESDAY AFTERNOON, June 14, 1837.

The Convention again went into committee of the whole on the second article of the Constitution.

Mr. HOPKINSON resumed. He said that the Convention of 1790 had three modes of appointment to choose from.

1st. The mode adopted by the general government, by the President, by and with the advice and consent of the Senate.

2d. Another, by the Legislature, adopted in States where the Executive was a mere nominal officer—and,

3d. Another, by an uncontrolled Executive. The last mode was adopted; and, although it was not for him to say whether it was a wise selection or not, yet he believed that all would admit, that the people of no Commonwealth had been more contented, prosperous, and happy. It is said that too much power ought not to be given to one man. He acknowledged that power lodged in the hands of an individual was dangerous, unless there was a check upon him,
was generally acknowledged, that a monarchy, where the king was a perfect man, was the best government. But a perfect king could never be found, and it was therefore a bad government. It was necessary to put a check upon executive power, and this was done in reference to the Governor of Pennsylvania, by bringing him before the people every three years, to answer for the manner in which he has discharged his duties. The Executive in Pennsylvania was simple and efficient, and, as in mechanics, he preferred simplicity in government, wherever the rights of the people could be protected.

The gentleman from Luzerne has presented an awful picture of moral depravity as the fruits of Executive patronage; but he could not believe it to be anything more than a picture of the imagination. He did not believe that the people of the Commonwealth were so demoralized and corrupted. At any rate, he had seen no evidence of the fact, nor heard of it before. The body politic was sometimes diseased, when, to all appearance, nothing was wrong. The hidden disease, like a worm gnawing at the vials, operated unseen. But this is not pretended to be the case here. We have view in its most appalling form — corruption coming from every pore, and frightful symptoms of immediate dissolution. This cannot be. Let every delegate look to his neighbours — were they corrupt? Extend his vision further: was the township, or county, or state, worse than his own neighbourhood? The gentleman was certainly mistaken: the people of Pennsylvania are thrifty and virtuous, and uncorrupted as yet by their own government. It was once said by a certain monarch, that when he gave away one office, it made him ten enemies. So it is with the patronage of the Governor. Instead of being dangerous to the state, it often weakened the power of the Executive. He gives out an office, and the disappointed office seeker goes abroad and makes a great noise, while the gratified keep still.

The argument of several gentlemen, that it would convene the state if the Senate were to have the confirmation of the nominations of the Governor, has been met by the argument of the gentleman from Luzerne in the only way it can be met. That gentleman has taken the right view of the subject. The Senate would not reject men merely because they were of different parties. Candidates nominated by the President had never been rejected by the Senate of the United States, in consequence of their political opinions. While, therefore, he opposed the bringing in of the Senate, he would not have had these reasons — the reasons which he had before stated. The argument, then, was that the Senate would not prevent the Governor from appointing his friends, but to prevent bad appointments. No patronage would be taken away — it was only a check against the appointment of a dishonest man. He believed that no such restraint was necessary, as no governor would appoint a dishonest candidate, and therefore, the check was not worth altering the Constitution for. He should therefore vote against the amendment.

Mr. READ was sorry that the gentleman from Montgomery (Mr. Scurry) had offered his amendment. It made the subject more intricate, and was not calculated to effect the object for which it was offered. It was not calculated to strip the Governor of his patronage — it does no such thing. It leaves it with the Governor, and offers so small a remedy to the evils arising from executive patronage, that, as the gentleman from Philadelphia (Mr. Hopkinson) has said, it is not worth while to adopt it. It seemed to him very singular, that the conservatives, and especially the gentleman from Chester, (Mr. Darlington,) could not understand the amendment of the other gentleman from Chester, (Mr. Bell.) It seemed to him so plain, that a child of five years of age could understand it. The first part of the amendment is, that "the Governor may appoint a Secretary of the Commonwealth." Can the gentleman understand that? There is no intricacy in it; and if the gentleman is in favor of this part of the proposition, he can call for a division, and vote for that part which he is in favor of, and against the other part. He is also very much alarmed at the proposition to give to the Legislature the power of creating offices, which may, in the course of time, be found necessary, and directing the manner in which they should be filled. Where else can this residuary power be placed? It must be lodged somewhere. Could the Convention of 1776 have foreseen the offices which have become necessary under the internal improvement system? It was not even dreamed then, that eight or nine hundred officers would have to be created to manage our public works. We could not look into futurity, and tell what officers it might be necessary hereafter to create. He agreed with the gentleman from Allegheny, that it was wrong for gentlemen to put arguments into the mouths of others, and then go on to argue against them. This had been done in regard to those who advocate the amendment; and if any had a right to complain, it was those. He also agreed with him, that we should provide for the appointment of all officers known, He would go as far as any one in defining the mode and manner of appointment, and the tenure of all officers we can define under this Constitution. But we were legislating for the future, and provision should be made for the appointment of officers which might be necessary, and which were now not thought of. He disclaimed the principle imparted to the friends of the amendment, in relation to the creation of offices by the Legislature, and filling them themselves.

Mr. READER replied to the gentleman from Chester, (Mr. Darlington,) who opposed the amendment as out of place. That gentleman has asked why it is insisted upon, that it shall be made in this section! The reason was, that, by the rules of the Convention, if no amendment be agreed to, either in committee of the whole, or on second reading, the corresponding articles of the old Constitution must stand. And as it is not in order to move to strike out the whole article, it becomes necessary to insert something here to evade the effect of that injurious rule. Not only this section, but the 15th section, might be wholly dispensed with, upon the same principle and for the same reason that you dispense with horses on a public road, where locomotive engines have been substituted. The change of circumstances, and the proposed amendments in the 6th article, have rendered both sections obsolete and unnecessary. The argument of the gentleman amounted to this: a locomotive engine must never be used, because the people of 1776 used horses.

The gentleman has used another argument, that if the amendment as made to this article, the Legislature might create an office, and there would be no power to fill it. If he had looked to the report of the
Mr. Dickey was surprised, he said, at the appeals of the gentleman from Susquehanna to the reformers. He talks of reformers as if he and his few friends were the exclusive reformers here. The gentleman from Chester (Mr. Bell) yesterday called the reformers to the rally. He called on them to sustain the great principle of his, which, according to his notions, is the great point of reform. The gentleman who called upon the reformers so loudly, neither understood their own principles, nor themselves. This he did not speak without book. A few days ago, the gentleman from Susquehanna was willing that both the Secretary of State and the Attorney General should be appointed by the Governor alone.

Mr. Read said he surrendered his wishes in that particular, in accordance with the views of his friends.

Mr. Dickey said the gentleman from Chester just proposed to give the appointment of the Attorney General to the Governor, and then, to suit some of his friends, he modified the proposition by omitting that officer; and he asked us to rally in support of his amendment on principle. On what principle? On the principle of a combination of those who claim to be the exclusive reformers? The gentleman from the county of Philadelphia, (Mr. Brown), struck with the weight of the argument of the gentleman from Allegheny, gave up the principle of the proposition under consideration, and asked us to vote for it as a matter of convenience, in order to get on with the business. No one of them yields his principles to the other, and then they join, and cry out for a rally of the reformers. But, sir, what principle are we asked to vote for? The gentleman from Chester tells us, that he is opposed to giving the election of Justices of the peace to the people, and his amendment contemplates their appointment by the Governor.

Mr. Bell here said his amendment did not provide for the appointment of Justices of the peace by the Governor.

Mr. Dickey. The gentleman declared, in his remarks, he was not in favor of the election of Justices by the people, and yet he called the reformers to the rally. Suppose then, sir, said Mr. D., that I and my friend from Allegheny, who are in favor of electing this army of Justices by the people, are not reformers. His friend from the country (Mr. Brown) was, he said, bound by every principle to vote against this amendment. His resolution of the 10th of May now stood on record, and wholly disavowed any proposition like this amendment, upon which the reformers were called to rally.—The gentleman could not vote for the amendment without voting directly against his own resolution; and yet he tells us that, as a matter of convenience, we ought to vote for this amendment.

Mr. Brown, of the county of Philadelphia, said he had but a word or two to say to the gentleman from Beaver. (Mr. Dickey):—it required no argument to set him in his right place. A lecture, he said, from that gentleman on consistency and principle was only edifying. But what principle had he, Mr. B., violated? He had, in his resolutions, said, the Senate should be united with the Governor in the appointment of a Secretary of State; and now four months, because he was willing the Governor should appoint him elder, he was charged.
with violating a great principle! Truly the gentleman from Beaver must have peculiar notions of principle. Mr. B. said he did not think there was much principle or importance in it either way. But he, Mr. B., had been charged with another sin—he had called on the reformers to rally! And for what had he called on them to rally? Why, to pass the amendment that they might proceed on; and when they had got through with all the appointments, they could then remove from this section any thing objectionable. But it was a sin, in the eyes of the great reformer from Beaver, to ask the reformers to rally! He, Mr. B., had called on them to rally, and he was pleased to see that they had rallied—that they were now disposed to give up their own personal and sectional notions of reform, and more disputes about words and terms, for the great objects of reform that the people require. And why had the reformers rallied? They had been here six weeks, and had suffered themselves to be thwarted and defeated by the opponents of all reform, because they were not united. They saw that to carry any reform they must act together. His constituents, he said, required extensive and radical reform—to an extent that, he had been told since he had been here, would not receive the approbation of the people of the whole State. His constituents would elect all their officers—they would go for short terms—they would go for judges for three or four years; but was he to vote for continuing the present life tenure, because he could not get short terms for them? No! if he could not get three or four years, he would go for seven, eight, ten, any thing short of eternity! Would he sacrifice any principle in this? He was for reform! All the reform he could get. He was not like the gentleman from Beaver, all talk of reform but he ould not vote for it, because a word was out of place, or a letter missing, or a section wrongly numbered.

He, Mr. B., had heard of propositions of compromise—they had come in whispers to his ear, but they were from the wrong source; and he warned the friends of reform to beware! For himself, he was willing to compromise; but it must be with the true friends of reform, not with its enemies, or such friends of reform as the gentleman from Beaver when he again called on the friends of reform to rally, that gentleman need not think he was included in the call.

After some further remarks from Mr. Diecky and Mr. Brown on the same subject,

Mr. BARLE said he hoped no compromise would be made by any gentleman here of a single principle. Compromise was always dangerous, and there was no necessity for it. Let every one offer his own plan, and if he cannot carry it, then let him accept the best plan he can get. The gentleman from Beaver appeared to be anxious that it go abroad, that the amendment of the gentleman from Chester was not that the amendment of the gentleman from Chester proposed to give the Governor the appointment of Justices of the peace; but this was not so. It left these offices to be provided for hereafter in their proper place.

The gentleman from Philadelphia (Mr. Hulpkinson) who had said that the people did not require that the Governor's patronage should be restricted, was not acquainted with the feelings, wants, and sufferings of the people. His habits were too much retired to enable him to know them. But he (Mr. B.) knew that the gentleman's own constituents, who voted for him to come here, were in favour of this very change. The people of Pennsylvania would have made this change long ago, if they had not been cheated out of it. They demanded a negative of the Senate upon the appointments of the Governor, and they asked for the abolition of life offices. He did not comprehend the argument of the gentleman from Allegheny. Yesterday he wished to give the whole power of appointment to the Legislature, and to-day he opposes the proposition to give that power to the Legislature. If the Legislature was a good appointing power now, it would be hereafter upon the creation of a new office. The gentleman asked why we should not suffer the Senate to nominate? Why, sir, we tried that yesterday, and could not succeed in it. He voted for the gentleman's motion to confer the power of appointing judges on the Legislature. But the gentleman complained that we were not pledged to any particular measures. We adjourned yesterday to hear the gentleman's views, for the very reason that we expected to be enlightened by them. If we were all pledged, there would be no occasion for further debate. The gentleman had brought forward no project, and, in all his remarks, he appeared to hesitate as to his own course. He certainly would allow us to hesitate also, until we could make up our opinions. The gentleman called on us for our precise plans. He would be willing to give his views, but he would not now be in order, if he attempted it. It was necessary in the Constitution to have the language clear and explicit. Half of the legal and political disputes of the country grew out of the ambiguity of language in the laws and Constitution. The canal commissioners and other officers were appointed by the Legislature. The provisions of the Constitution being contrary to the spirit of the age, could not be observed. It was necessary, he thought, to render the Constitution definite and explicit in relation to the appointment of all officers. He was sorry that the gentlemen from Montgomery and Chester could not go together. He should vote for both of their amendments in succession.

Mr. SERGEANT rose to call the attention of the committee to the fact, that they had been theorizing all day, without having any facts before them. We had a case going the rounds of the newspapers, which was in point; and he was surprised that it had not been referred to in this discussion. He would state it briefly:

The New Jersey Legislature consists of a House of delegates and a council, composed of members from each county. That Legislative body, in joint ballot, has the power of appointing all officers, and as soon as they assemble, we hear of nothing but the appointments. The State of New Jersey being in such a condition of distress as made it necessary to invoke the Legislature, an extraordinary meeting took place. In the House, there was a majority of members in favor of acting on the subjects laid before them. The council, consisting of fourteen members, was equally divided, six to six—two members of the party acting with the majority of the House being absent. The House passed a law, by a decided majority, with a view to relief from the distress under which the State was suffering. The council were divided upon it equally, six to six. The six who opposed it refused to concur in it, unless the other six would consent that the council should go into the election of officers in joint meeting, though it was the usual time for that election. The
Legislature, therefore, broke up and did nothing. This was a strong example of the danger of conferring a mixed power on the legislative body. He asked whether it was safe and expedient to connect the Legislature and executive duties of the Legislature, as to expose the Legislature of Pennsylvania to the temptation which, in this case, the Legislature of New Jersey could not withstand? The gentleman from Susquehanna, who was so desirous to make the Senate a part of the appointing power, had been long in the Legislature, and he had given us a character of them which caused some distrust, and which, at times, showed that they were not to be needlessly confided in. He thought he had the words of the gentleman, when he represented him as saying, that they stood in need of a check.

The gentleman says, ours is a government of checks and balances. So it is. But, if the Legislature stand in need of a check, how could they be restrained? He argued that this principle was applied to the Senate of the United States in consequence of a compromise, by which the Senate was made a 'participant' both in the legislative and executive power, in order to satisfy the small States. He replied to several of the arguments which had been urged in favor of uniting the Senate with the Governor in the appointing power.

Mr. Ritger moved that the committee rise. Lost—51 to 44.

The question was here shamely called for.

Mr. Bell took the floor to reply to the objections urged against the amendment, but yielded it to Mr. Stevens, who moved that the committee rise, and remarked, in allusion to the clamor for the question, that this was not the kind of spirit in which we should deliberate upon questions, the decision of which would affect millions unborn.

Mr. Sergeant said that, according to all parliamentary usage, the gentleman who introduced the proposition had a right to be heard in reply to those who opposed it.

The committee rose, and the Convention, at 7 o'clock, adjourned.

THURSDAY, JUNE 15th, 1837.

Mr. Cummin obtained leave of absence for a few days.

Second Article.

The Convention went into committee of the whole, (Mr. Clarke, of Indiana, in the Chair,) on the report of the committee on the 2d article.

Mr. Bell having moved to amend the 8th section of the article, as follows:

"A Secretary of the Commonwealth; and he shall nominate, and, by and with the advice and consent of the Senate, appoint all judicial officers whose appointment is not herein otherwise provided for, as well as all officers established by law, when, by such law, the mode of appointment is not prescribed; and shall, in such cases, have power to fill up all vacancies that may happen during the recess of the Senate, by appointments which shall expire at the end of the next session."

And the question being on the following motion of Mr. Sterlet, to amend the amendment:

8. The Governor shall nominate and, by and with the advice and consent of the Senate, appoint all officers whose offices are established by the Constitution hereby amended, and whose appointments are not herein otherwise provided for, or which have been or shall be established by any law in which the appointments may not be prescribed. And shall have power to fill up vacancies in all offices by appointments which shall continue till the office shall be filled as herein directed. But no person shall be appointed to any office within any county, who shall not have been a citizen and inhabitant therein, one year next before his appointment, if the county shall have been so long erected; but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken. No member of Congress from this State, or any person holding or exercising any office of trust or profit under the United States, shall, at the same time, hold or exercise any State or county office in this State, to which a salary is by law annexed.

Mr. Bell took the floor, and remarked on the personal bearing which had been given to the committee on his proposition, at which he expressed his regret.

This amendment had been greatly misapprehended and misrepresented, and he proceeded to reply to the various arguments which had been urged against it. The gentleman from Allegheny, for whom he had the highest respect, had said that, through his amendment loomed largely at a distance, upon a closer inspection it was found to be nothing at all. But the gentleman assumed, that the principle of the amendment was to be carried no further than appeared upon its face. But this was not so. We must make a beginning somewhere; and this amendment was an attempt, in its spirit to make the appointing power an exception to the general rule, instead of being the rule itself. The rule was now, that the Governor should make all appointments. When we came to the Prothonotaries and other officers, he would go as far as the gentleman from Allegheny, himself, in fixing the mode of their appointment, and prescribing a term for the tenure of their offices. Further than this, he would be willing to follow the gentleman in prescribing some mode for the appointment of all officers created hereafter, if that were practicable. The gentleman from Beaver had said, that this amendment gave the Governor the appointment of 10,000 judicial officers. This position was so startling that he could hardly believe that he correctly understood the gentleman, and therefore he had written down the words.

Mr. Dickey explained, that the gentleman was correct, as far as he went in reference to his remarks. What he said was that, if we followed the gentleman's lead, we should give the Governor and Senate the appointment of 10,000 judicial officers, instead of giving them to the people: for the gentleman had declared that he was opposed to giving the people the election of those officers. This remark he made in reference to the gentleman's calling the reformers to rally.

Mr. Bell said he called on no man to follow his lead. He advocated those principles which he thought right, without caring who led or who followed. There was, however, nothing in his amendment which prevented an election of justices of the peace by the people.
Mr. STERIGERE asked the yeas and nays on his amendment, and they were ordered.

Mr. INGERSOLL would, he said, say one word as the question was about to be taken. He should vote against the amendment of the gentleman from Montgomery, and for the gentleman from Chester; but he disliked them both, and one nearly as much as the other. At a proper stage of the proceedings, he hoped the questions involved in those propositions would be freed from the embarrassments which attended them, when presented in this form.

Mr. FORWARD would merely say, that of the two propositions, he preferred that of the gentleman from Montgomery, and should vote for it as a choice of evils; but when the main question came up he should vote against the amendment.

The question was then taken, and determined in the negative—Yeas, 11—nays, 109.

YEAS—Messrs. Cleaver, Cox, Dillingar, Earle, Forward, Foulke, Helfenstein, Mann, Meredith, Sterigere, White—11.


Mr. READ did not think, he said, till this morning, that there was any ambiguity in the amendment of the gentleman from Chester. But he found that many of the friends of reform could not view its provisions, and wishing to put it in so distinct a form as to prevent the possibility of any misconception in regard to it, he would move to amend it so as to read as follows:

Section 8. "The Governor shall have power to appoint a Secretary of the Commonwealth during pleasure."

He shall nominate, and, with the advice and consent of the Senate, appoint all judicial officers of courts of record."

He asked the yeas and nays on the question, and they were ordered.

Mr. DICKEY said he should vote for the motion, and he was very happy to find that he had knocked the noise out of the amendment of the gentleman from Chester.

Mr. BELL said he would accord with the views of the gentleman from Susquehanna, if he could do so conscientiously. There were some members who wished to give the election of associate justices to the people; but the amendment, as it stood, gave all judicial appointments of courts of record to the Governor and Senate. By its
Mr. STEVENS said it was now evident that the design and desire of gentlemen in pressing these amendments, was to show their party strength, and the firmness of their adherence to party organization—and certainly their adherence to their party was very laudable. All their variant views were to be accommodated to their new party arrangement, and their new party name—radicals; and, by their vote on these amendments, they intended merely to show us their strength and party discipline. If we made this provision in the second article, we should be prevented hereafter from saying how any of the associate Judges should be appointed, whether by the Governor himself, the Governor and Senate, or by the people.

No man was so dull as not to see that all these officers could be provided for when we came to them, as well as now. Why not say how they shall be appointed when we came to the proper place, but for the reason that he had indicated? That reason he had heard avowed over and over again—honestly avowed—honestly he meant in regard to its avowal. Gentlemen said, all around him, that they disliked this provision; they wished it had not been offered here: but here the proposition was put, and they must vote for it. His friend from Beaver had declared that he would vote for this motion; perhaps, because he is so well pleased with his victory over the gentleman from Chester. But was not this a worse provision than that? If you adopt this amendment you must give the Governor and Senate the appointment of all officers, whether you desire it or not hereafter, when you come to consider the question as to the proper mode of appointing all the several judicial officers. There were some reformers who wished to elect the associate justices; but this provision took from them the power to do that, should they see fit. For what other reason than that which he had stated had the motion been made? He called on the reformers—if he could be allowed to approach them so nearly—and he did not wish to come too near them—he called on those who denounced themselves reformers, par excellence, to say why they cannot wait, till they come to the 6th article, and fix this mode of appointment there! If we gave them all to the Governor and Senate 'now,' and if, when we came to the other articles, the party should not happen again to agree in caucuses, as to any alteration in the mode of appointing the different judicial officers, 'each man being too much attached to his own bandling to exchange it for another's, what then would be our condition? Ten thousand officers, including justices, inspectors, &c. would be sent to the Governor by the Governor; and all these appointments must be gravely acted on by a secret tribunal, sitting in judgment on the characters of their fellow citizens. How many years would this process occupy before the Senate could take up its proper legislative business? How, he asked, would those who, upon principle, are pledged to oppose all secret tribunals, relish such a measure as this?

Is not this course persevered in by the new party, asked Mr. Stevens, for the purpose of showing their triumph over us who think that judicious reform does not consist in destruction? If that was not the object, then they had better leave this, and go on to those articles where provision is to be made for appointments. But he knew that the decree had gone forth, and that the party had strength enough to do what they pleased. It was for us to turn as much from the scalping knife as we can. He hoped the gentleman from Beaver would reconsider his determination to vote for this amendment. He hoped that gentleman would reflect upon the object of this proposition. There was an association in India, who, when they wished to prepare a man for crimes, blindfolded him and made him rob, after which, he was really for any thing else. In this case, the party compel their adherents to vote blindfolded for this provision, which some of them have openly said they disliked.

Mr. Dickey said, he thought, when he determined to vote for this amendment, that it embraced only the judges of the supreme court. He was in favor of electing the associate justices and justices of the peace; and, therefore, could not vote for the amendment. His objection to the amendment, as offered by the gentleman from Chester, was, that it left too much unsettled. The present motion was free from objection; but it gave to the Governor and Senate some appointments which he had always been in favor of giving to the people.

Mr. READ said, being anxious to have the gentleman's vote, he would modify the amendment by adding the following: "unless otherwise provided for hereafter in the Constitution."

Mr. Dickey. The provision hereafter may never take place. The party organization may be too strong for that. He did not wish to leave the appointment of associate judges and justices to the Governor and Senate, in the hope of altering it hereafter.

Mr. BROWN, of the county of Philadelphia, said the gentleman from Adams (Mr. Stevens) and the gentleman from Beaver (Mr. Dickey) had made loud charges against the reformers of caucuses and combinations, and by thus raising a party war cry, had attempted to excite the prejudices and passions of delegates, instead of appealing to their reason, or convincing their judgment. To this he had no reply. He, Mr. B., would take upon himself to deny that any caucus or combination had been attempted or effected by the party to which he belonged, but what had taken place in Convention. The charge was therefore untrue in any shape, and he called for the proof or for its retraction.

Mr. Dickey. From what passed yesterday, I was led to believe, and I now repeat, that the gentlemen acted in concert, without regard to their own peculiar views. The gentleman from Susquehanna had yielded his own views, in part, to the gentleman from Chester, who modified his amendment, after it was printed, to suit the gentleman from Susquehanna. The gentleman from the county also, as he then stated, had placed upon record principles directly hostile to those of the amendments which he had asked us to support.

Mr. Bell said the gentleman's charge was without show this time. The gentleman from the county had, he thought, exhibited more sensibilities in regard to this charge than it called for. It was true that he had modified the amendment, in order to get rid of some objections made to it. The gentleman from Susquehanna offered a provision differing, in some respects, from his own; and after making some slight alterations in it, he (Mr. B.) had adopted it as a modification of his own original proposition. This was all the foundation
that existed for the charge of caucusing and combining. He did not know how many it required to make a caucus: if two were sufficient, he supposed this might be a caucus.

Mr. FORWARD was inclined, at first, he said, to vote for this amendment; but there was a difficulty as to its meaning. Was not the register himself a judge, and of a court of record? Suppose the Legislature passed an act making the justices of the peace courts of record? Then the whole aspect of the provision is changed. In point of fact, the most essential power of a court of record, to fine and imprison, is possessed by the justices of the peace. The Legislature could easily give any thing in addition which was necessary to constitute them courts of record. In this way an evil would arise, and a fearful one, which was not provided against in this amendment.

Mr. STEVENS, being called upon by the gentleman from the county, (Mr. Brown,) in a tone of indignant virtue, for the evidence of his charge of party organization, he would explain what he had said. He had said what he should not have said, if there could be any mistake in the matter, that the gentlemen reformers were brought, by party concert, to vote for a secret tribunal to sit in judgment on the characters of their fellow citizens. How this was brought about, he did not say, whether by meeting in doors or out, in this hall or elsewhere. A proof of this he would repeat, that he had heard gentlemen say, some in conversation, and others openly in committee, that they did not like this project, but must vote for it. He referred to the record about to be made up to tell whether gentlemen are not united by party vote; and whether, in fact, the lines which have been drawn are not, and he might as well declare it now, Van Buren and Anti-Van Buren? Count over the votes after this question is taken, and if the record contradicts his assertion, then he would thank Heaven that he was mistaken. Gentlemen were brought into this measure, not by principle, not by instinct—for they were opposed to it—but by concert had in doors or out of doors, he did not know which.

If we take up the resolution on the question of Convention, or no Convention, we should find that the votes were not a test of the question of reform required by the people; and, when we came to submit to the people the motion which we were now creating, it would be rejected with disgust and disapprobation. Among those who had joined the new party, were more than twenty-six members from counties which gave majorities, larger or smaller, against calling the Convention. If those gentlemen opposed this proposition, it could not be carried. He referred to the members from Berks, and asked whether those gentlemen were going to vote according to the party organization of Radical and Anti-Radical, or of Van Buren and Anti-Van Buren? He referred to Lehigh, Juniata, and other counties.

We shall see whether gentlemen will vote according to the division on the reform question, in accordance to their preferences for men. We should see whether they did not vote as Van Buren men. Let the record tell, and if that is not so, then I shall thank Heaven that I am mistaken. The Yeas and Nays on this question. They have not been taken yet.

Mr. STEVENS. I mean the judiciary question.

Mr. WOODWARD remarked, at some length, on the impropriety of introducing party discussions and party animosity here; and said that the gentleman from Adams was using his talents for drill, to stifle the opinions of members, to excite prejudices and fears, and prevent reform.

Mr. DICKEY was glad to hear it announced that there is no party organization here. He had heard, from what he had heard herefore, that there was a determination to press measures upon party grounds, and with party concert.

Mr. STEVENS said: The gentleman from Luzerne, following the example of many other small minds and venemous hearts, falls to calling hard names, and indulges in personal vituperation, and the imputation of unworthy motives. This is mere blackguarding, in which he might be rivalled by many street grovelers. It is a canine mode of warfare, barking at and biting those whose looks or acts offended him. But I must be excused from acting the mad dog by way of revenge. If nothing else would deter me from it, the recollection of the fate of the rabid dog in the "Vicar of Wakefield" would; for, under a sleek exterior, I suspect that the gentleman from Luzerne contains enough poison to produce a similar result: for recollect, in the case referred to, that an angry dog bit a filthy man. His friends and relatives were in great trouble; and, as the poet has it,

"While they swore the dog was mad, They swore the man would die. But when the wonder came to light They showed the rogue they lied, The man recovered of his bite, The dog it was that died."

The gentleman from Luzerne is secure from the bite of any rational animal who has any regard for his own safety.
CONVENTION PROCEEDINGS.

(Continued from Thursday.)

The vote being taken, the amendment of Mr. Read to the amendment of Mr. Bell was agreed to by the following vote:


NAYS—Messrs Agnew, Ayres, Baldwin, BarnJollar, Bayne, Biddle, Brown of Lancaster, Carey, Clark of Beaver, Clarke of Indiana, Cline, Coates, Cochran, Cope, Cox, Crum, Cunningham, Darlington, Denny, Dickey, Dickerson, Forward, Harris, Hastings, Henderson of Allegheny, Henderson of Dauphin, Hiester, Hopkinson, Hoapt, Kerr, Konigmacher, Long, Maclay, M'Call, M'Dowell, M'Sherry, Meredith, Merrill, Merkel, Montgomery, Pennypacker, Pollock, Porter of Lancaster, Reigart, Ritter, Rover, Russel, Saeger, Scott, Serrill, Sill, Sterigere, Stevens, Todd, Weidman, Young, Sergeant, President—59.

Mr. STERIGERE then moved to add the following at the end:

"And shall have power to fill up vacancies in all offices by appointment, which shall continue until the office shall be filled as provided by this constitution or by law."

Mr. AGNEW said that he was opposed both to the amendment and the addition last proposed, because there was no provision for the residuary power of appointment.

Mr. READ replied that the reason that no provision was made in this article of the Constitution which related to the Governor, to fix the residuary power of appointment, was, that it was not meant to give the Governor any more than was specified in his amendment, unless the Legislature should hereafter do it.

Mr. AYRES, of Butler, said, that as one of the committee who made the report, he desired a direct vote upon it. The report of the committee recommends only one alteration in the section giving appointments to the Governor, and that was the introduction of the words—"by and with the advice and consent of the Senate." He desired a direct vote upon this, in order that the principle might be settled. The amendment now offered included other matters, and left open the question in relation to offices which may hereafter be created. It was alleged, that this would be settled in the sixth article; perhaps it might, but there was no other guarantee, except the expression of the opinion of members. The amendment as amended, contained some things which he approved; but it was too complicated, and he should vote against it, in order to get back to the report of the committee. The question would then be fairly before us, whether the Senate should be brought in as an advisory power. Should this be settled as a leading principle, then the details can be settled in the sixth article.

Mr. MERRILL went into an argument in support of the report of the committee making the Senate a check upon Executive nominations. He contended that the idea was chimerical—that the three branches could be entirely separated—and that, in the nature of things, one must be a check on the other in order to preserve the balance of government. An Executive council he was opposed to—the experiment had been tried in other states, and they were now giving them up. The Legislature, he thought, was the worst place that could be named to place the appointing power, inasmuch as it would have a bad influence on the legislation of the country. But the Senate, having more leisure than the lower house, might pass upon the nominations of the Executive, and operate as a check upon legislation.

Mr. SMYTH thought that the question turned principally on this, shall the Constitution be so amended as to abridge the patronage of the Governor or not? There was no amendment that could be made, that the people of Centre county so much desired as a reduction of the Governor's patronage. He did not think that the report of the committee met the wishes of the people, and he was therefore in favour of the amendment of the gentleman from Susquehanna. He then gave an account of the scramble for office at the inauguration of Governor Helster, when the crowd of applicants was so great, that it resembled a fair.

Mr. FORWARD, after some remarks on the impossibility of deciding this question understandingly, until the sixth article was acted on, moved to postpone the section, which motion was lost.

The vote being then taken on the amendment of Mr. Sterigere, it was decided in the negative.

Mr. CHAMBERS said that he took his seat in the Convention under the conviction, that the executive power ought to be abridged. He had much difficulty in determining how to accomplish the object,
and not put it into improper hands. So far as he had made up his mind, he was in favor of distributing the appointment of all officers now known to the Constitution and the laws, before the power of appointing all officers which might hereafter be created was disposed of. He preferred the amendment of the gentleman from Susquehanna to that of the gentleman from Chester, and therefore voted for it.

But entertaining the opinion that the Legislature was not the proper place to lodge the appointing power, he preferred the report of the committee to the amendment of the gentleman from Susquehanna. He felt no alarm at the supposed danger of conferring on the Senate the power of passing on executive nominations. The Senate could originate nothing, and would, in consequence, be free from that intrigue and management at which some gentlemen seemed to be so much alarmed.

The question was then taken on the amendment of Mr. Bell as amended by Mr. Read, and decided in the affirmative, as follows:


NAYS—Messrs. Agnew, Ayres, Barclay, Bell, Bigelow, Butler, Chambers, Clark of Beaver, Clarke of Indiana, Crawford, Curll, Dunagan, Farrelly, Fleming, Hamlin, Harris, Hopkinson, Hyde, Ingersoll, Kennedy, Macalay, Magee, Mann, M'Dowell, Merrill, Nevin, Sellers, Serrill, Scheetz, Shellito, Sill, Stierger, Stickel—33.

Mr. COX then moved further to amend by adding the following:

"And the vote shall be taken by yeas and nays."

The vote being taken, the motion was agreed to.

Mr. COX then said that he considered the report, as amended by the two last amendments, better than before; yet, as it required the advice and consent of the Senate to executive nominations, he should vote against it.

Mr. DICKEY said he was in favor of many parts of the report as amended. But as the amendment which he suggested, of excepting associate Judges and Justices of the peace was not excepted, and as he was in favor of having these officers elected by the people, he should vote against it.

Mr. READ said that he did not expect to change the vote of the gentleman from Beaver, unless he was satisfied with the clause in the amended report, which was—"unless otherwise provided for in this Constitution."

Mr. DICKEY moved to amend the report by inserting after the word "record" the following—"as well as all officers established by law."

Mr. READ said he hoped that it would not be agreed to, as it would be a reversal of two solemn decisions of the committee.

Mr. DICKEY remarked that he was astonished at the opposition of the gentleman from Susquehanna, (Mr. Read.) The amendment which he had offered was a part of that gentleman's own proposition, as accepted by the gentleman from Chester, (Mr. Bell.)

Mr. READ replied that it was not his proposition, although it had been charged upon him in the course of the debate.

Mr. BELL opposed the amendment. He said that it was only a part of the proposition which he had offered, and he moved to amend the amendment of the gentleman from Beaver (Mr. Dickey) by adding the remaining clause which the gentleman left out, by adding at the end—"except when fired by the Legislature."

Mr. DICKEY remarked that he had purposely left out that part of the gentleman's amendment, because he was opposed to it in principle. It was this that called forth his opposition at the time it was offered. He was opposed to leaving the whole appointing power, except the few offices enumerated in the amendment, to the Legislature. He believed that the Legislature was a dangerous depository of this power. Let this become a part of the Constitution, and there was nothing to prevent the Legislature from establishing a court of fifteen judges with high salaries, and then filling the offices themselves,
out of their own body. He considered this a dangerous principle, and he felt bound to contend against it, and therefore called for the yeas and nays.

After some conversation between Messrs. Bayne, Purviance, and Darlingtn, Mr. Bell withdrew his amendment.

Mr. M'CAHEN then called the previous question, and eighteen members having arisen to sustain the call—

The question having been put, "shall the main question be now put?" It was decided in the affirmative—yeas 63, nays 56, as follows:


The question being taken on the adoption of the report of the committee on the 8th section, as amended, it was decided in the affirmative—yeas 61, nays 58, as follows:


The 9th section of the Constitution was read as follows:

9. He shall have power to remit fines and forfeitures, and grant pardons, except in cases of impeachment.

Mr. HEISTER proposed the following to be added to the section: "But shall assign his reasons for all pardons and reprieves granted, and for the remission of all fines, annually, to the Legislature."

Mr. H. said the pardoning power was a very important and necessary power, and he did not know that it could be vested in better hands than those of the executive. But that, like all unrestricted discretionaries, it was liable to abuse. And although he did not, of his own knowledge, know of any cases in which it had been abused by the Governor of the Commonwealth; yet he had heard much complaint from his own constituents and others, of the too frequent and free exercise of that power. From a statement of the Secretary of the Commonwealth, laid on the desks of members, it appears that a great number of pardons and remissions have been granted by the different Governors. He could not say whether they had been properly granted or not; yet he thought there ought to be some restraint put upon the exercise of this power. And he did not know of a better mode than to require the Governor to assign his reasons to the Legislature, which would give publicity to his acts, and, as he thought, be a sufficient check on him to induce him to exercise the power cautiously and judiciously. And he had, therefore, submitted the amendment to the consideration of the committee.

Mr. STEVENS moved that the committee rise. When the House of Lords passed to a 2d reading a bill of pains and penalties against the Queen, they adjourned; and finding that they had gone far enough, abandoned the prosecution. Here we had passed a bill of pains and penalties upon the Constitution, and, for the same reason, ought to adjourn. It was customary for deliberative bodies to adjourn upon the annunciation of the death of a member, and much more reason was there to adjourn after the destruction of the Constitution.

Mr. MANN said the gentleman had better move that the officers of the Convention furnish those that wish to mourn with the grave, and get the right arm, by way of mourning at the event. The matter was not so dreadful, however, as to require an adjournment. He hoped we should continue in session half an hour longer; and, in the mean time, he hoped the gentlemen from Adams would continue to indulge their grief and not lose sight of its melancholy occasion.

Mr. STEVENS would, he said, adopt the suggestion, if he thought it would have the effect to bring to the minds of gentlemen, the deeds which they had perpetrated; but he would as soon think of offering a drap to a boy dancing on his mother's grave.

The question being taken, the motion was lost—yeas, 49; nays, 51.

The question being on the motion of the gentleman from Lancaster,

Mr. MERRILL moved to amend the amendment, by striking out the following: "in all cases of felony, pardon shall be granted by law with the advice and consent of the Senate."

Mr. MERRILL. It used to be an offence punishable with fine and imprisonment.
Mr. DUNLOP. Will the gentleman tell us what is not felony?

Mr. DARLINGTON moved that the committee rise.

Mr. EARLE expressed his regret, that gentlemen had too little respect for this body as to make frivolous motions, after they had been voted down.

Mr. DARLINGTON withdrew the motion.

Mr. BROWN, of the county, renewed the motion that the committee rise.

Mr. SHELLITO said it was evident that the Convention was not in a frame of mind to receive any question.

The committee rose, and the Convention adjourned.

FRIDAY, June 10, 1837.

Mr. FORWARD, from the committee on the seventh article, made the following report:

The committee to whom was referred the seventh article of the Constitution, report, in part, as follows:

**ARTICLE SEVENTH.**

Sec. 1. The Legislature shall, as soon as convenient, may be provided by law for the establishment of schools throughout the State, in such manner that all children may be taught at public expense.

Sec. 2. The arts and sciences shall be promoted in such institutions of learning as may be alike open to all the children of the Commonwealth.

Sec. 3. Without amendment.

Sec. 4. The Legislature shall invest any corporate body with the privilege of appropriating private property to its use, unless the owners or proprietors of said property shall have been previously compensated therefor.

W. FORWARD, GEO. W. KEIM, GEO. W. RITER, TOBIAS SELLERS, E. C. REIGART, JAMES POLLOCK, THOMAS H. SILL.

Mr. G. W. RITER, from the minority of the same committee, made the following report, which was read:

The minority of the committee on the 7th article of the Constitution, respectfully report that numerous petitions from various parts of the state indicate, beyond all doubt, the strong desire of the people, that Constitutional restraints should be put on the much abused power of the Legislature to create corporations, especially bank corporations. Your committee are convinced that not to do so, would be to violate the will of the people, clearly and anxiously made known by direct communication of said will to this Convention. Even if your committee, therefore, doubted as individuals, they do not feel at liberty to hesitate as representatives of the people, to say this evil must be remedied, or it will lead to deplorable consequences. They, therefore, respectfully submit the following amendments to be made imperative as a constitutional interdict on future Legislatures, viz:

1. All banks chartered hereafter shall be upon the following conditions, viz: No bank shall be chartered unless it has the concurrent action of two-thirds of two successive Legislatures, and that public notice be given of such intention in the immediate neighbourhood, where such bank is to be located, at least sixty days prior to said application to the Legislature.

2. No bank shall be chartered for more than eight years.

3. No vote for Directors or President of a bank shall be given by proxy.

4. No bank shall divide more than 7 per cent. per annum of the profits of said bank—the surplus of profits over 7 per cent. per annum to be paid annually into the state Treasury.

5. Each and every stockholder of all banks to be personally, and to the extent of all his property, answerable for all debts of the bank in which he holds stock.

With such provisions, your committee trust that banks may be thereafter safely conducted. That such has not been the case hitherto, let the present crisis answer: Your committee do not desire to destroy or injure the property of chartered banks, only to reduce and define their privileges, so they may not destroy or injure the property of others.

GEO. W. RITER.

TOBIAS SELLERS.

Mr. STERIGERE moved to refer the report back to the committee on the seventh article, as being made contrary to the rule of the Convention, which provides that committees shall report amendments only, "with no other report." Agreed to.

Mr. KEIM, from the minority of the committee on the seventh article, made the following report, which was read:

Sec. 7. The Legislature shall not invest any corporation body with the privilege of appropriating private property to its use, unless the owners or proprietors of said property shall have been previously compensated therefor.

W. FORWARD, GEO. W. KEIM, GEO. W. RITER, TOBIAS SELLERS, E. C. REIGART, JAMES POLLOCK, THOMAS H. SILL.

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W. FORWARD, GEO. W. KEIM, GEO. W. RITER, TOBIAS SELLERS, E. C. REIGART, JAMES POLLOCK, THOMAS H. SILL.
Mr. MERRILL said there was more complaint in regard to the pardoning power of the Executive, than of any other part of the Constitution. He wished to impose on the Governor some check in the exercise of this power; but, if it was thought that the amendment of the gentleman from Lancaster would be sufficient for this purpose, it was all that he wanted. He wished no unnecessary provisions in the Constitution.

Mr. REIGART said—Mr. Chairman: The amendment offered by my colleague to the 9th section of the 2d article of the Constitution, has my full and entire approbation. But, sir, I cannot vote for the amendment offered by the delegate from Union. The first does not restrain executive clemency; the latter gives to the Senate the controlling power in pardons for the higher offences. I could not contract the exercise of this executive prerogative, by connecting it with the Senate. To me, it seems that the Senate (from the demonstrations we have already had here) will have enough to do in the connection already determined upon with the executive; and for one I would not be willing to go further in this particular; but the amendment of the delegate from Union should not prevail for another reason—it entirely precludes the executive, even in connexion with the Senate, from granting a pardon, or even a reprieve, on a conviction for murder or treason! Is it not obvious, that many cases might occur—nay, many have occurred—in which it was necessary to pardon? Need I refer gentlemen to such cases? Can they not readily be conceived? May there not be many cases of mistake? Testimony, subsequently discovered, which may most conclusively establish the innocence of the accused? Where, then, is the power to restore this innocent man to the blessings of liberty, and to the society of his fellow-men? Shall he be incarcerated until the Legislature convened and await their action, before he can be restored to society? Would not such a course be a resort to that kind of judicial, nay, executive legislation, which has been so much deprecated here? I trust, therefore, that this amendment of my colleague may be negatived without referring to any alleged abuses of this power. What, sir, does the amendment of my colleague propose? Not to take away this power from the Executive; not to abridge it; nay, not even to restrain it, except inasmuch as it may be restrained by the ordinance of public opinion. This has been called “a government of checks and balances,” and is most emphatically so: it consists of three great powers, legislative, executive, and judicial. If, sir, you permit the executive branch of that government to control—nay, sir, negative the action of the legislative and judicial branches—will you not, at least, require some public reason to be given for the exercise of this power? In vain do the legislative branch enact laws for the prevention and punishment of crime! In vain do the judges of your courts, through the intervention of juries, try offenders against the laws, and sentence them to undergo the punishment prescribed by those violated laws, if you will still permit the executive branch to pardon all criminals, without giving a single reason for it: I mean a public reason. It is true, reasons are generally contained in the pardon itself; but these reasons are not made public; the public know nothing of them; they never reach the public mind in any way whatever. Sir, we all agree that this pardoning power should be placed somewhere, and we may perhaps, generally agree, that the Executive is the safest depository. I ask not that this power be abridged—nay, not even restricted. Make it the duty of the executive to give his reasons to the Legislature—if these reasons are unsound, the public will pass sentence of condemnation on him. If they be sound, they will be sustained; indeed, it would be kindness to the executive to permit him to give his reasons to the public. These reasons ought not, nor cannot be of a private nature; they necessity must be of a public kind. Why, then, should they be confined to the breast of a single individual? For these reasons, as well as many others that might be given, (but with which I will not detain the committee,) I hope the amendment offered by my colleague will prevail.

Mr. FORWARD said this section might as well be left undisturbed. Every new amendment we put here tended to jeopard those amendments which we were anxious to see adopted. As to this matter of pardon, he wished to see it unregulated, and left to its true character of clemency and mercy. If we undertook to regulate it, we should put an end to it altogether. All Christian governments had found it necessary to place this power of pardon somewhere, and it was consistent with the policy of humane governments. If the Governor erred in using this power, he would rather see him err on the side of mercy, than on the side of rigour and severity. He urged many considerations and arguments in opposition to any restriction on the power.

Mr. SERGEANT suggested, that, in every case of pardon he had ever known, the reason for it was briefly stated on its face. This, he believed, was the general course. The effect of the amendment would not necessarily be to require the Governor to state his reasons more at length. Its effect would be to render a pardon invalid without reasons. No mere human contrivance could perfect all institutions. The pardoning power must be placed somewhere, and it could not be made free from some defect; and no reasons for any pardon could be framed which would be satisfactory to every body.

Mr. BIDDLE said, Mr. Chairman—It is my misfortune to differ from the gentleman from Allegheny (Mr. Forward) and the President of the Convention. I consider the question before the committee both interesting and important. Pennsylvania has been distinguished by her benevolent institutions, and particularly by the philanthropic spirit which induced her at an early day to mitigate the severity of her penal code. So early as the year 1794, she obliterared from her statute book capital punishment, save in the single instance of wilful, deliberate, and premeditated murder, or of murder committed on the perpetration of, or the attempt to perpetrate, certain atrocious crimes. The same humanity which thus induced her almost to abolish sanguinary punishments pervaded her whole code of laws. If we desire to perpetuate this system of justice administered in mercy, we must be cautious not to render punishment so uncertain that the guilty may no longer dread the consequences of
their crimes. It is the certainty, not the severity, of punishments, which gives them their efficacy. If you increase the chances of escape for the guilty, you must supply the defect by adding such sternness and rigor as may terrify into submission. We have sought the reformation of the offender, not his degradation and destruction. Let us persevere in our present liberal and enlightened policy. Let us not, by a mistaken clemency, defeat our object. The chances of escape on which the criminal calculates, are at least three-fold. First: That he may altogether elude detection. Second: That, if detected, through the defective generality of testimony, irregularity in his trial, or various casualties, he may escape conviction and sentence. Nothing but the clearest proof, well known, will be permitted to prevail against him; and he is perfectly familiar with that principle of law, which declares that it is better that an hundred guilty should escape than that one innocent man should suffer. Thirdly: He cherishes a strong hope, that, if both these chances fail, he can appeal to the mercy seat of the executive—suppite his clemency—and, by skilful management, escape, if not the whole, the greater part of the penalty of his guilt. Thus, sir, that salutary fear, which the certainty of punishment alone furnishes, is taken away; and the hardened villain laugs in scorn at the impotent threatenings of the outraged laws of his country. The power of pardon is a high prerogative. It confers on an individual the right to set aside the operation of the laws. It is proper it should be so. The President has well said, that the pardoning power results from the imperfection of human tribunals. If they were perfect, and all the sentences pronounced by courts were strictly just, then there would be no occasion to invoke mercy to dispense with their rigor. The only proper cases for the exercise of this extraordinary power, are either, in the case of after discovered innocence, or of circumstances of an unusual character rendering the further continuance of punishment unjust or improper. Such cases are of rare occurrence. That this power has been abused, will not admit of serious question. Since the adoption of the present Constitution, there have been 4,461 pardoned, excluding remissions of fines and penalties, making an average of 4 pardoned every year. This pity for the guilty is cruelty to society. The objects of pardon, for the most part, are not those unfortunate creatures who, from earliest infancy, have been exposed to the influence of evil associations, and, becoming the victims of guilt, have sunk into vice in its lowest and most disgusting forms; but those more accomplished offenders, who, having enjoyed the advantages of virtuous society and education, have turned aside from the paths of rectitude, and used their advantages and their talents to prey the more destructively upon the property, the security, and the peace of their fellow men. When overtaken in their course of guilt, and consigned to deserved punishment, they generally have the address to deport themselves as to excite the compassion, conciliate the good will, and secure the favor of their keepers, and of the inspectors of the prisons. Frequently, by the double refined baseness of becoming spies, and betraying their more ignorant associates in iniquity, they have purchased their own pardon; and have been restored to society more depraved and with greater facilities for criminal advantage, than when they entered the prison house.

Sometimes powerful connexions and even political influence has prevailed in obtaining executive mercy. It may be asked, is the proposed amendment adapted to remedy the evil? I think that if it will not cure, it will greatly diminish it. Few Governors will be willing annually to report to the Legislature 94 pardons with the reasons which have induced them. The very publicity will prevent the excessive abuse, and so apply a corrective. But I have heard it said that the prisons could not contain the criminals and that, therefore, had become necessary to discharge them. If this be true, it was the more necessary that it should be made known to the Legislature, that they might prompt apply an appropriate remedy. The gentleman from Allegheny has said, that it will impose an onerous duty on the Executive. To this an answer is furnished by the President of the Convention, who spoke on the same side of the question with that gentleman. He justly remarked, that it is customary to set forth, on the face of every pardon, the reasons which induced it. It is only necessary that a clerk should transcribe these reasons, in order that they may be laid before the Legislature. A brief and summary statement is all that is asked—not a nauseating detail of crime. A powerful appeal has been made to your sympathies. You have been eloquently asked if you would take from the Governor the bright attribute of mercy? I answer God forbid.

"No ceremony that great once long,  
Not the king's crown, or the deputed sword,  
The marshal's truncheon, or the judge's robe,  
Becomes them with one half so good a grace  
As mercy does."

This amendment would not divest the Executive of the power of comparing the severity of justice with clemency. Such appeals always strike a responsive chord in the heart. But let us not in mercy lose sight of justice, and of the security of the community. Sir, I shall while I advocate, and shall, by my vote, sustain the amendment offered by the gentleman from Lancaster, (Mr. Heister,) I cannot agree to the amendment to the amendment offered by the gentleman from Union, (Mr. Merrill.) He proposes that the confirmation of the Senate should be required. Already we have imposed on that body of executive duties, and have thus blended two departments which, I cordially agree with the gentleman from the country, (Mr. Ingersoll,) should be kept carefully distinct and separate. I cannot agree to make the Senate a general reservoir. But the argument of the gentleman from Allegheny is on this point conclusive. If it should be made manifest that an innocent man was wrongly suffering as a criminal, who would consent that he should languish in a degrading and cruel imprisonment, until the Senate should be convened, if they were not in session? I trust none. I shall therefore vote against this proposition, and in favor of the original amendment. I believe that if we adhere to our present mild system, we must take from punishment its uncertainty. I believe that, in order to accomplish this, some check must be imposed on the pardoning power. And, in conclusion, I believe that if the Governor be required, whenever they exercise this high prerogative, to give publicity to the act,
Mr. STERIGERE said the gentleman's argument had produced a great impression on his mind, as well as on that of others: but it did not lead to the conclusion to which the gentleman had arrived. There might be cases where it would be very impolitic for the Governor to place his reasons for a pardon before the public, and this was the chief argument against the restriction. But he thought it necessary to place some restriction on the exercise of the power. He mentioned several cases wherein the pardoning power had been exercised in a very rash and improper manner. The power had been too frequently exercised in this manner; and it appeared by the returns, that the number of fines and forfeitures remitted and pardons granted had nearly averaged one for every day.

Mr. CHAMBERS said he saw no necessity nor policy in altering this measure. It was conceded that the power of mercy must be placed somewhere; and where it could be better reposed than with the Governor? Errors and abuses in its exercise might occur; but that was unavoidable in institutions merely human, and administered by men liable to error. The source of the evil was in the people themselves, who wanted firmness to resist the importunities and distresses of the family and friends of the condemned, and prevailed upon the Governor, by their statements and petitions, to exert his power. The Senate was still more liable to be swayed in this manner than the Governor. They were an unfit body to participate in the pardoning power, because they could be too easily influenced by prejudices, and passion, and feeling. The effect of the amendment of the gentleman from Union, would be to increase the number of pardons, and to lessen the responsibility for them. The Governor, instead of deciding a case himself, after full consideration, and under his responsibility to the people, would willingly submit the case to the Senate, where it would always be certain to find a favorable consideration. In case of the conviction of any eminent public man of treason, or any other high crime, the difficulty would be increased by submitting the pardon to a body where, perhaps, it would be acted on in reference to party feeling and interests. The proposal of the gentleman from Lancaster (Mr. Heister) was opposed to as unnecessary. By the present provisions of the Constitution, the Governor was required to keep a record of all his proceedings, and the papers relative thereto, and the Senate could, at any time, if they thought proper, call for those papers, and lay them before the people.

Mr. HOPKINSON said, this judiciary power, in his opinion, required some restriction, and his objection to the amendments were, that they were inadequate to the object. The construction of the criminal code of this State, had rendered the exercise of the pardoning power unnecessary. There were only two classes of cases in which pardons ought to be granted under our system. The first was cases where such circumstances of palliation exist as take away from the crime the character of guilt. The second was, in cases where subsequent to judgment, a man is found innocent of the crime for which he has been sentenced. Beyond these two, he knew of no cases where the power ought to be used. Pardons had become in Pennsylvania a business of political patronage. Whom does the criminal go to for pardon? To the court where he was tried? Or to any one who knew any thing about the case? No! they go to influential party men. They get up a petition, and procure the signatures of influential men to it. In this way more pardons were got from the influence of the men who sat for them, than by the merits of the application.

He would go so far as to take away from the Governor the right of pardon, unless in cases where the court, by which the convict was sentenced, recommended him to pardon. Such an amendment he would propose at a proper time.

Mr. BROWN, of the county of Philadelphia, said the attention of the public had been turned in various parts of the State to this subject, and great complaints had been made in many places of the manner the pardoning power had been exercised—he might say abused—but he did not think the amendment proposed by the gentleman from Lancaster (Mr. Heister) would cure the evil complained of.—His amendment only required the Governor to lay before the Legislature his reasons for granting a pardon, a reprieve, or the remission of a fine or forfeiture; but what good could result from this? The Legislature could take no measures on the subject. No matter what might be the motives or the reasons he might assign, however feeble or fraudulent the evidence on which he acted, they could neither punish him for what he had done, nor prevent him from doing the same again—his power was derived from the Constitution, and not therefore subject to legislative regulation or control. This great power—the power to open the doors of the prisons and penitentiaries, and let loose upon society any number, or all of those who had been placed there by the judicial tribunals of the State under the solemn requisitions of the law, Mr. B. thought ought not to be vested anywhere in the mere will or caprice of any one man, no matter what might be his character or his office. The gentleman from the city (Mr. Hopkinson) has shown, what has been too well known, the great abuses that this power has been subject to where it now is—how liable the Governor was to imposition, and how often he had been imposed upon by designing, interested persons. Almost every member of the committee could recur to cases where pardons had been obtained that ought not to have been obtained. He (Mr. B.) had known many cases in the city of Philadelphia, where persons had been convicted and sentenced to imprisonment, who were set at liberty in a few days after committed. He apprehended there were others who exercised the pardoning power besides the Governor, although, by the Constitution, he had the sole right to pardon: he judged this from the number of the cases he had alluded to as having occurred in the city of Philadelphia alone. He did not wish to throw any obstacles in the way of the exercise of clemency when it was proper to be exercised; but mercy ought to season justice, not to supersede it. If the penalties of the law were too severe, let them be ameliorated. But it was folly to make laws to punish crimes, and go to the expense of detection and solemn trial to have their violations punished, and before the criminal is well in prison, suffer some interested friends, or legal authorities, who can induce some respectable persons to petition and obtain a pardon from the Governor. The safety of society and the laws of the land, are thus sacrificed to mistaken feelings of sym-
The power, he said, was wrongly placed. It was a servile imitation of the British Constitution, which held that the people belonged to the King, who could do no wrong; and the Constitution of Pennsylvania intended to make the Governor the shadow of the King of England; and, while we are stripping the Governor of his royal robes, he thought it would be well to take this one from him also, and place it where it could be more judiciously exercised. Where that power should be placed, he was not prepared to say. If it was left with the Governor, he had thought the grand jury, whose duty he believed it was to visit the prisons, would be the proper persons to certify to the Governor the propriety of granting a pardon. It had been suggested to him that the court before whom the case had been tried, would be more likely to know the whole facts of the case, and it ought to recommend to the Governor those proper for his clemency. Perhaps some other mode might be devised by which this power could be more safely and properly exercised than by either of them—he was not particular where it was placed, so that it was properly guarded. It would be better left, he thought, somewhere in the county where the prosecution had taken place: in any event, the recommendation ought to come from some official and responsible body, and not to be left as now, in the power of a few irresponsible individuals, who might and who had imposed on the Governor, who was himself too remote to ascertain truly the facts of the case. Indeed, the power was too much for any one man to have in a government of laws. It had been said that ours was a government of laws. That could not be true when the mere will of an individual, without trial or evidence, could overrule the requisitions of the law, and prevent its execution.

The only cases, he thought, where facts ought to be remitted, or criminals pardoned, were, when facts or circumstances, developed subsequently to condemnation, changed the aspect of the case. All punishment was for the public good, and it was necessary to have a salutary effect, that its amount be known before the crime is committed, and that it shall be certain in its infliction. It was this certainty, more than the degree of punishment, that had been found salutary. If the penalty of the law was in any case too severe, the law ought to be amended; but this was the duty of the Legislature, and should not be left to the Executive. He would repeat that he did not wish to close the avenues to the mercy seat; but he wished to keep them pure, and open alike to all who ought to approach it; and he merely threw out these suggestions to the committee that, when the section should come up on second reading, the Convention would be able to furnish a remedy for the evil complained of.

Mr. BIDDLE expressed his willingness to support such a proposition as had been intimated by the gentleman who preceded him on the floor; and he briefly responded to the remarks of the gentleman from the county.

Mr. PLEMMING opposed the amendment. It was not difficult to conceive of cases where it would be impossible for the Governor to spread before the Legislature, reasons which would be satisfactory to the public. A diversified combination of circumstances and considerations might properly influence the Governor to grant a pardon; yet if he is compelled to spread his reasons upon a record, they may not appear sufficient in law and fact to justify the exercise of that power. He opposed the amendment of the gentleman from Union, because he was unwilling to connect the Senate with the Governor in the exercise of such a power. It converted the Senate into a high criminal court, where every agitating and exciting criminal case would be tried over again, and the sentence of the courts overruled and set aside, from considerations of interest or politics, or merely from passion, or caprice, or mistaken clemency. The Governor, in every case where he was urged for a pardon, would refer the application to the Senate, where many influences could be brought to bear in favor of or against a pardon, and the Senate would be forced into a trial of each case. The suggestion of the gentleman from Philadelphia, in favor of transferring the power of pardon to the courts—for that was, in effect, his proposition—he considered as very objectionable in many respects. It imposed a responsibility and a duty on the judiciary, which was inconsistent with the purposes and objects of its institution. The pardoning power, he was persuaded, could no where be better nor more safely lodged, than in the Governor. If the Governor exercise the power corruptly, he could be reached by impeachment. He should vote against both propositions.

Mr. FORWARD spoke in opposition to the suggestion of the gentleman from Philadelphia, in favor of making the recommendation of the court necessary to a pardon! He was sure the people of Pennsylvania would never accept of a Constitution which conferred this power on the courts. They would have an irresistible repugnance to it. Leave the discretion of pardon to the judges! Why, sir, we do not trust them with the decision of a dispute between individuals, without a jury. They were supposed to be placed aloof from the people, and to have little participation in their views and feelings. The people never look to them for mercy. Their's is the province of stern, inflexible justice. It is their duty to give judgment according to law, and there their duty ends. He had known but few instances where this power had been abused by the Governor.

Mr. MERRILL said this was a question as to which there might be doubts; for the power of pardon was a high and important character. There had been much dissatisfaction among the people in regard to the frequency of its exercise, and they had complained that it had defeated the ends of justice, and turned loose upon society men who ought to be restrained or removed from it. They objected to the exercise of this power by one man, and believed that it had the effect to encourage crime. Still this was an indispensable power, and the question is where it can be placed, so as to be the least liable to abuse. He thought that, omitting all petty offences and repeires, it would be safe and proper to lodge this power in the Senate, in connection with the Governor.

The question being taken, the motion to amend the amendment was lost.
CONVENTION PROCEEDINGS.

(Continued from Friday.)

Mr. CHAMBERS remarked, that he was of opinion that public policy or security did not require the adoption of either of the amendments proposed in relation to the constitutional provision on the subject of reprieves and pardons. The dispensation of mercy by the Executive, in cases when the Governor doubted the propriety of the pardon, would require himself of responsibility in referring it to the Senate. The Senate would be inclined to view favourably all such cases; and the very circumstance that there was doubt, when the question was between punishment and mercy, would operate in favour of the pardon. The effect would be, not to lessen the number of pardons, but to exercise them in cases when the Governor doubted their propriety, and was unwilling to grant them on his own responsibility, but relieved himself by a reference to a numerous body with whom the responsibility was divided.

Again, we will suppose the case of a man of influence in society convicted of high crime, perhaps a popular favourite in time of high party excitement. There is an application for his pardon, which is submitted by the Governor to the Senate. Would the floor of the Senate be a suitable place for the discussion and consideration of such a case after trial and judgment by the proper tribunals? Would not that Senate be likely to participate in the feelings or excitement of the day, and under those feelings be debating on the life of a fellow citizen?

The juries that have passed or tried, and pronounced on the guilt of the convict, had done it in their retired chamber, out of the presence of every other person; but the Senate would, in public, be debating whether they should take away the life of a citizen or not, and that to be decided by the casting vote of a single member.

This would be a spectacle that had not yet been witnessed in this land of liberty and law, and it is a spectacle that I would be unwilling should be exhibited by an experiment under the proposed amendment of the gentleman from Union. (Mr. Merrill.)

As to the amendment proposed by the gentleman from Lancaster, (Mr. Heister,) it is unnecessary and objectionable. It requires that the Governor shall communicate to the Legislature all the pardons he may have granted, with the facts in relation thereto, and his reasons. Of the pardons granted, the nine-tenths are probably granted without the concurrence of the Senate. Would Senators yield more readily to solicitations of friends, or be influenced by prejudices from some other quarter.

The Governor, when he doubted the propriety of the pardon, would relieve himself of responsibility in referring it to the Senate. The Senate would be inclined to view favourably all such cases; and the very circumstance that there was doubt, when the question was between punishment and mercy, would operate in favour of the pardon. The effect would be, not to lessen the number of pardons, but to exercise them in cases when the Governor doubted their propriety, and was unwilling to grant them on his own responsibility, but relieved himself by a reference to a numerous body with whom the responsibility was divided.

The power has, without doubt, been abused: pardons have been granted that ought not to have been granted. The source of a large portion of this abuse is with the people, who, by their memorials and petitions, have often misled the Governor. It is well known how easy it is to procure names to a petition to the Executive for a pardon. There is in society a want of resolution and moral firmness to resist such applications. The tears of the wife of a convict, or the importunity of an aged father, soliciting the signature of a name recommending their husband or child to executive mercy for a pardon, are seldom unsuccessful. The Executive is often censured, when, if the public were made acquainted with the names and number of those who recommended the pardon, their surprise would be turned from the Governor to the ears of respectable and influential neighbors, who have signed the petition for it.

There are cases requiring the interposition of the Executive after judgment, when subsequent discovery shows that the accusation was unfounded or malicious, and where public justice does not require the execution of the sentence.

If this power be abused, would the concurrence of the Senate remedy the evil, or be the desired check on the Executive?

He was opposed to the concurrence of the Senate, as that body is not so constituted as to qualify it for the exercise of this power. The Senate being a numerous body, would not investigate the charge and evidence, and consider the circumstances with the attention and deliberation necessary, and which, as we are to presume, would be given by a single Executive who was alone responsible. The responsibility in the Senate is too much divided to be sufficiently felt in exercising mercy. Senators would yield more readily to solicitations of friends, or be influenced by prejudices from some other quarter.
ers relative thereto, before either branch of the Legislature.” Of the act of the Governor in granting a pardon, a register is to be kept by the Secretary: the papers and documents in relation to it, and on which it was granted, are to be laid before either branch of the Legislature, when required. The Legislature can have the information when they require it. This power, if exercised by them, is sufficient for their information, as well as for the public, and may operate as a check on the Executive, by causing him to lay before the Legislature the papers and evidence on which he acted in granting a pardon. This can be had whenever the public is dissatisfied, or there is reason to believe that the Executive power of pardon has been abused. So far as the call for information and the evidence is to operate as a check on the Governor, it can be had when there is occasion for it, under the provisions of the existing Constitution. Entertaining the opinion that the amendment of the gentleman from Lancaster is unnecessary, and that the amendment of the gentleman from Union would be mischievous in its operation, he would vote against both, and in favor of retaining the Constitution, in that particular, as it is.

Mr. McDowell then moved to amend the amendment of Mr. Heister, by striking out the words “fines and forfeitures.”

Mr. Darling then opposed the amendment. He thought that if the proposition of Mr. Heister should pass at all, “fines and forfeitures” should be retained. The fines and forfeitures were not confined to military fines. Fines of every description were included. He believed that no power had been more abused by the Governor than this. Frequently counties which had been to great expense in the trials, and when a fine or forfeiture which would amount to something of a remuneration, was about to come into the county treasury, a remittance from the Governor deprived the county of its right. Forfeitures had sometimes been remitted after the money had been collected, and was in the hands of the sheriff. This might be done to reward a political partisan, or to purchase political friends.

Mr. McDowell said that his reasons for striking out “fines and forfeitures” were, that it would impose an onerous duty upon the Governor to be obliged to lay before the Legislature his reasons for the remittance of every fine of one, two, or three dollars. He was in favor of restricting the pardoning power, but not for carrying it too far. With regard to the reasons of the Governor for a remittance of these small fines, there was such a thing as private reasons and public reasons. The public reasons would alone be given to the public, while the private reasons would only govern the remittance.

Mr. Shellito thought it was best to let the Constitution remain as it is in this particular until second reading.

The motion of Mr. McDowell was lost.

Mr. Earle said that he was anxious that something should be done to restrict the pardoning power. The delegates to the Convention assembled to carry out the wishes of the people. The people, so far as he was acquainted with their wishes, desired that something should be done.

The list of pardons which had been read showed that something was wrong; and he was glad to see that gentlemen admitted that there had been abuses under the “matchless Constitution.” As the propositions that went more strongly for restricting this pardoning power had been voted down, he called upon the friends of reform to rally in support of this proposition. He considered the penitentiary the best place for each person as generally were sent there. It was a kind of hospital for the unfortunate beings, who were afflicted with a kind of mona mania. They ought to be well treated, and supplied with every comfort which others enjoyed, consistent with their situation, but they should not be allowed to be let loose on society.

Mr. Heister said that after the able arguments that had been presented, it would be presumptuous in him to attempt to throw any further light upon the subject, and he only rose to reply to an inquiry put by the president of the Convention, and to answer one or two objections that had been made by gentlemen. The president had asked whether the Governor did not now accompany all pardons with the reasons for which they were granted? and if so, whether he was to be required to furnish other reasons to the Legislature? Mr. H. said it such were the case, as had been already stated by the gentleman from the city, (Mr. Biddle,) nothing further would be required than for him to transmit to the Legislature the reasons on file in the Secretary’s office. That his (Mr. H’s) object in submitting the amendment was to give publicity to the reasons by which the Governor was actuated. The gentleman from Franklin (Mr. Chambers) had said that the evil was to be traced to the people themselves. That there was too great a readiness on the part of men of character and respectability to sign petitions to the Governor for pardons, and that he was often deceived in that way. If, said Mr. H., the Governor had no other or better reasons than the respectability of the application, let that be published, and it would check and prevent men from signing so freely, when they saw their names to those petitions exhibited to public inspection. The gentleman who had also said that, under the 15th section of the article then under consideration, the Legislature was authorized to call on the Secretary of the Commonwealth for any information on file in his office—and that they could, therefore, at any time obtain the reasons for which pardons were granted, if they thought there was an abuse of the power. Although this might be done, said Mr. H., it was not required, and he wished to make it obligatory, so that the information should necessarily go before the public. The gentleman from Lycoming (Mr. Fleming) had told the committee, that it could not be expected that reasons could be assigned that would be satisfactory to every one. This was very true; but they ought to be such as to satisfy a majority of the community, and if that were the case, it would be quite sufficient. It had been stated by the gentleman from Allegheny, (Mr. Forward,) that there might in many instances be mitigating circumstances in favour of pardoning offenders, which it would not be proper to have published, as it might be an injury to them or to their relatives and friends. Mr. H. said that, as the trial and conviction of all offenders was notoriously public, and was spread upon the records of the courts, he could therefore not conceive that the publishing any palliating circumstances as a reason for granting a pardon, could possibly be detrimental to the individual pardoned. That, in a republican government, an agent ought to be allowed to do any act that should not be published.
Mr. FULLER supported the amendment on the ground that some check was necessary; and that, if the Governor was obliged to give his reasons annually to the Legislature, it would make him more cautious.

The vote then being taken, it was decided in the negative by the following vote:


NAYS—Messrs. Agnew, Baldwin, Bayne, Bell, Brown of Northampton, Carey, Chambers, Clark of Beaver, Cleaver, Clinte, Conus, Crooked, Coxe, Cux, Davis, Cunningham, Cuill, Dickey, Dillinger, Donagan, Donnell, Dunlop, Farrell, Fleming, Forward, Fry, Gearhart, Gilmore, Harris, Heyard, Helfenstein, Henderson of Dauphin, Hopkinson, Houpt, Kerr, Macay, Magee, McCabon, M'Sherry, Moredet, Montgomery, Overfield, Penny, Parker, Pollock, Purviance, Read, Rogers, Royer, Russell, Saeger, Scott, Serrill, Shellen, Smyth, Swively, Swirgier, Stevens, Taggart, Todd, Weaver, Weidman, Woodward, Young, Sergeant, President—97.

Mr. BUTLER moved to amend the amendment, by substituting the following for the whole section: That the Governor shall have power to remit fines and penalties and grant reprieves, and to grant pardons on the advice and recommendation of the judges of the court by whom they were convicted; but he shall grant no pardon in case of impeachment.

Mr. McCABEN said that he did not approve of the amendment of his friend from the county. (Mr. Butler,) and could not vote for it. He believed the court might be best acquainted with the character of a case before them; but the judgment of the court might be prejudiced: they might be partial: he believed the jury would be as proper authority to recommend as the court; they became acquainted with the facts: they may from their situation in society better know the individual condemned; besides, judges of courts are familiar with sentences: it is true, they are like other men partaking, of the feelings of humanity, yet they are less liable to employ the merciful attributes in favour of its object.

That the pardoning power may have been abused; he did not doubt; but better that it should be so in most cases, than in any case a meritorious application should be denied. He was opposed to surrounding the mercy seat with such barriers as would prevent the humble suppliant from being seen. The power of pardoning was a great prerogative; perhaps a dangerous one. He hoped that no executive would be guided by political interests in the dispensing of mercy—it was a subject which approached all the sympathies of the human heart, and error in such case was virtue: we are early taught lessons of mercy: we are instructed to forgive injury. Divine authority has enjoined it upon us; and he hoped, therefore, that we should not hastily decide in favour of any amendment that would debar the wretched from obtaining forgiveness. He had understood that other gentlemen had propositions which he trusted would suit better the views of the committee and his own.

Mr. STERIGE said if there was anything clearly demonstrated, it was the impropriety of lodging the pardoning power in the courts. But, an additional objection to it had occurred to him. It gave us fifty-eight tribunals for the exercise of the pardoning power, instead of one which we now had; for the pardoning power would be lodged in every court.

Mr. DUNLOP remarked, that the gentleman had offered an amendment, requiring an application from the judges of the court before whom the criminal was tried, first to be made, before the Governor could grant a pardon. Suppose the judges are dead. Is it intended by that gentleman to reduce the judicial power, so that the convict might have a longer term to serve in the penitentiary than the judge to sit on the bench? Was it then, intention, then, to go about looking up judges to get their recommendation before a pardon could be granted? Or if the judge was dead, was it intended to cut off the pardoning power?

Mr. BROWN replied that it was the court, and not the judges that was meant.

Mr. DUNLOP then said, that the argument that the facts in relation to the criminal were only known to the court before whom he was tried, amounts to nothing. Why, then, ask the judge that knows nothing about the case? It would be imposing a duty of investigation upon such a judge, which would be onerous and unnecessary.

Mr. CHAMBERS thought that making the pardoning power dependent upon the courts which tried the individuals, would not only often prevent the proper use of it, but would embarrass the courts, and impose upon them duties, which would injure their influence and retard the administration of justice. He considered that no place could be more objectionable than the courts. As much as he respected the opinions of his friends, he could not go with them in imposing this duty on the courts. It is an innovation—an experiment that has never been attempted anywhere else. To give to the tribunal which tries the criminal a right to interfere with, and to prevent the execution of its own sentence! Besides this, judges were not free from imperfections. They, like other men, were subject to prejudice, and might be very improper persons to be the dispensers of mercy. But the greatest objection was, that it would not only confer on the courts a dangerous power, but it would impose upon them an onerous duty. It would subject them to be beset by the neighbors and friends of the convicts. They would be appealed to, and told that as the sentence was passed by you, we look to you as the only source of relief. In this way the courts will be harassed beyond conception, and the pure stream of public justice will be liable, not only to be retarded, but corrupted.

The vote was then taken, when the amendment of Mr. BUTLER was lost.

Mr. FULLER then offered the following amendment, to come in at the end of the section:
Mr. BELL then moved to amend the amendment by striking out the words—"the Legislature, by law duly enacted," and insert "the Governor."

He said that he was not sure that such a power should be lodged anywhere. He had not had time to reflect, and did not know but that he should vote, at last, against his own proposition. But if such a power was to be placed anywhere, he saw no reason why it should not be given to the Executive, who had the pardoning power.

The vote being taken, the amendment of Mr. Bell, as well as that of Mr. Earle, were negatived.

Mr. CRAIG then moved the following amendment, to come in at the end of the ninth section.

"Provided, that the application be first signed by the county commissioner, and first presented to him."

Mr. CRAIG said that better amendments than the one now offered had been voted down by the committee; but as he was fully persuaded that something ought to be done to prevent the abuse of the pardoning power, he had offered this as a last resort, hoping that if it carried, pardon could not be obtained without some notice of it.

The gentleman from Allegheny (Mr. Forward) says he has not heard of its abuse, and calls on the members of this committee to say in what part of the State the pardoning power has been abused. This question might be answered by saying, in what part of the State has it not been abused? If we should attempt to particularize, the case of abuse would be too numerous to bring before the committee: he could mention cases of convictions for criminal offences, where the convicts were sentenced ten years to the penitentiary; and were pardoned in one or two years as a matter of favor: he could mention one or two cases from his own county, in which the criminals very narrowly escaped the gallows, and being convicted of murder in the second degree, were pardoned before they got to the penitentiary, and all this without any additional evidence having transpired or being alleged. Thus your courts and jury labor with indefatigable assiduity through a tedious trial—they investigate with impartiality—the criminal is defended by able counsel; and at last the decision is overturned by a Governor, who has but a very superficial knowledge of the case. No doubt the Governor is often deceived: it is in the very nature of things that he will be deceived: the mode of getting a pardon is such that a Governor cannot act understandingly on the subject. A friend, or perhaps a gentleman, hired with the criminal's money, will get up a petition, and call on gentlemen in a friendly way for their names; the names are procured; for you know that signers can be got to any kind of a petition, whatever its object may be: in the next place a number of the Governor's political and influential friends are called on to use their influence—these practitioners know their business too well to call on his enemies—having obtained this extraneous evidence, all on one side from the beginning, the Governor is called on, his sympathies and mercy are implored, and the criminal is pardoned and turned loose on society.

Sir, the mercy of this committee has been called on, and our sympathies have been appealed to in behalf of the unhappy criminal. If
no man of science would ever get back to the new penitentiary. With regard to requiring the commissioners of the county to sign a petition to the Governor, it was an odious task for them, and they would not act. There was no penalty annexed, and nothing to enforce such a constitutional provision. The old constitution was, after all, better than any amendment which had been proposed. Every attempt at reform—every attempt to rub it made it brighter, and added a halo of glory around the men who formed this matchless instrument.

The report of the committee, deeming it inexpedient to make any alteration in the 9th section, then passed without amendment.

The report of the committee recommending section 10, to read as follows, was then considered:

"Section 10. He may at all times require of all, except judicial officers, written information concerning their offices."

Mr. INGERSOLL said that when it was intended to take the appointing power from the Governor, the several officers throughout the Commonwealth might not feel it to be their duty to give information to the Governor, inasmuch as they would not be subject to removal. But it might be necessary to have the information, and it was for this reason that this section was reported.

Mr. DARLINGTON moved to amend the section, so as to preserve as nearly as possible the phraseology of the old Constitution without materially altering the meaning.

After some conversation between Messrs. Dickey, Sterigere, Darlington, and Ingersoll, the committee rose, and the Convention adjourned until 4 o'clock.

FRIDAY AFTERNOON, June 16, 1837.

The Convention again resolved itself into the committee of the whole on the second article, and resumed the consideration of the report of the committee on the 10th section.

The vote then being taken, the amendment of Mr. Darlington was negatived.

Mr. DUNLOP said that he cared very little about the proposition contained in the report of the committee; yet he thought that it might be well enough to pass it. It might do away with the practice of the Legislature, of appointing committees with power to send for persons and papers; and also, to travel for information all over the state. If the Governor could obtain the necessary information, the legislature would make him the organ of information. He did not know why the power of the Governor to call for information should be confined to the executive department. The department of public works was one from which information was more called for than any other, and the Governor now had no power to demand information from that quarter.

Mr. Dickey said that in the morning, he thought that the report of the committee went too far, and covered too much ground. He told them. He said that he should like to know what was meant by executive department. He had some idea of what the executive officers were; but who were the executive department, he should like to have defined. It was said that there were some men who held no office that managed the executive in every administration! Did these belong to the department? Perhaps some gentleman in the House can tell.

Mr. Dickey said that the executive department was composed of the officers on the Hill, the heads of department, and those under them. The canal commissioners were not considered as belonging to that department; yet they had always given information when called upon.

Mr. Ingersoll said that in this body, he deemed it only necessary to make a suggestion on any subject, and then leave it to the Convention. He came here with a Constitution, written from the first to the last; but he did not expect that that Constitution would be adopted. He submitted it as a suggestion, and would then leave it to its fate. The section now under consideration was one of his own suggestion in the committee, and he would explain the reasons which induced him to offer it, and then leave it to its fate. He then read from the Constitutions of the United States and Pennsylvania, to show that the provision authorizing the Executives of both the Union and the State, to call upon the officers of the executive departments of each, to be similar, and only related to the cabinet officers. He came here a reformer. He did not wish to make a feeble government, but a strong government—not strong in royalty; not strong in individuality; but strong in other ways. He wished to take away the patronage of the Governor, and to make him what it was intended he should be—an executor of the laws: That he should be able to manage the financial concerns of this great Commonwealth. We have a great public debt which must one day be paid. We have a system of internal improvement; and he was astonished to hear it mentioned the other day, that there were more than nine hundred officers connected with it. These officers should not be appointed by the Governor; but the Governor ought to have the power to superintend and direct them. It ought to be his duty to visit the public works, to direct what should be done, and to call upon every one for information, for the purpose of laying it before the Legislature. He would take away the debilitating power of appointing those officers, but he would give him the power, and make it his duty, to be truly the Executive of the Commonwealth.

Mr. Scott entered his protest against the assumption of the fact that the patronage of the Governor was to be taken away. He spoke with considerable warmth against the course of gentlemen yesterday, who, having offered amendments to the 8th section taking the patronage from the Executive, and discussed them for some days, and as soon as they had succeeded in putting the question in such shape as pleased them, called the previous question, and cut off all debate upon the main question by the friends of the Constitution.

Mr. Banks interposed, and remarked that he hoped this battle
would not be fought over again. He thought the gentleman had wandered from the question, but he would not call him to order.

Mr. SCOTT continued. All that we had given to the Governor was the poor privilege of appointing his Secretary. The Governor of the great Commonwealth of Pennsylvania may appoint his own Secretary! The 8th section of the second article was obliterated.—It was gone. In the room of it, we had given him the power to nominate certain officers, provided, before we got through, we did not change our minds. Can he appoint an Attorney General? No—a Surveyor General? No—a Secretary of the land office? No—a Superintendent of public works? No—no. Do gentlemen say that this is done to assimilate our Constitution to that of the United States? Why, the National Executive had the power to blot the fortunes of men by the stroke of a pen. But we had put the Governor in the position of a chief spy in camp. We had made him a sort of police constable of the people. All that he can do is to collect information from the heads of the departments, all of whom are independent of him, and report their details to the Legislature.

Mr. M'CABE said it became his lot, yesterday, by our direction, to call the previous question.

The CHAIR called the gentleman to order, on the ground that he was not speaking to the question.

Mr. M'CABE said he wished to reply to the remarks of the gentleman from Philadelphia, so far as they concerned him.

Mr. SCOTT: I did not intend that any remarks should have any personal bearing. I made no allusion to one person more than another.

Mr. M'CABE said this was not the first time the previous question had been called and sustained in this body. It was before resorted to with good effect. He thought that, yesterday, it had a good effect. The subject had been debated for several days. If he had known that the gentleman wished to speak on the question, he should not have moved it.

Mr. EARLE remarked, that before we met, a plan was well known to have been made to force this body to an early adjournment, sine die, without doing any thing; and that plan having failed, we were now to be represented as tyrants, refusing to listen to discussion. The subject upon which we acted yesterday, had attracted public attention for years; and the public had determined that the patronage of the Executive should be reduced. If we had decided that question the first half hour, it would not have been proper. After all, we had decided nothing, but that the Senate should have a negative on the higher judicial appointments.

Mr. Dickey suggested, that it would be better to let this section pass over for the present.

The question being on the report of the committee, it was decided in the negative—thirty only rising in the affirmative.

The eleventh section was read as follows, and as no amendment was made by the committee, and none opposed it, it was passed over:

11. He shall, from time to time, give, to the General Assembly, information of the state of the Commonwealth, and recommend to their consideration such measures as he shall judge expedient.

The twelfth section having been read as follows:

12. He may, on extraordinary occasions, convene the General As-

Mr. DILL moved to amend the section, so as to make it read eight months instead of four.

Mr. Dickey doubted whether there was any necessity for any alteration at all.

The amendment was rejected.

The thirteenth section was read as follows:

"He shall take care that the laws be faithfully executed;" and no amendment being offered, it was passed over.

The 14th section was read as follows:

14. In case of the death or resignation of the Governor, or of his removal from office, the Speaker of the Senate shall exercise the office of Governor, until another Governor shall be duly qualified. And if the trial of a contested election shall continue longer than until the third Tuesday in December next ensuing the election of Governor, the Governor of the last year, or the Speaker of the Senate, who may be in the exercise of the executive authority, shall continue therein until the determination of such contested election, and until a Governor shall be qualified as aforesaid.

The following amendment having been recommended by the committee:

The 14th section ought to be altered as follows:

"In case of the death or resignation of the Governor, or of his removal from office, the Speaker of the Senate shall exercise the office of Governor; and in case of the death, resignation, or removal from office of the Speaker of the Senate, the Speaker of the House of Representatives shall exercise the office of Governor, until another Governor shall be duly qualified;" and if the trial of a contested election shall continue longer than until the 3d Tuesday in December next ensuing the election of Governor, the Governor of the last year, or the Speaker of the Senate, or of the House of Representatives, who may be in the exercise of the executive authority, shall continue therein until the determination of such contested election, and until a Governor shall be duly qualified as aforesaid.

Mr. BELL moved to insert after the word "Governor," in the 6th line, "until the next annual election of Representatives, when another Governor shall be chosen in the manner herein before mentioned, and"

Mr. BELL stated that the reason for this motion was to do away with the ambiguity in regard to the term, during which the Speaker of the Senate should fill the vacancy occasioned by the death, resignation or removal of the Governor. Some thought he would hold the office through the term for which the Governor was elected, or until the next annual election.

Mr. STEVENS said the amendment would introduce a difficulty as great as that which it removed. If the Governor died one week after he came into power, who was to succeed him?

After some remarks from Messrs. Bell, Sterigere, Cunningham and Earle.

Mr. DARLINGTON suggested to his colleague the expedience of modifying the amendment, so as to make the provision for the ele-
tion, in case the Governor should die before the 1st of July.

Mr. BELL offered a further modification of his amendment.

Mr. FORWARD suggested some further difficulties. He did not think the amendment would meet every contingency that might arise.

Mr. STEVENS said the safest way would be to let the old clause alone. The further we departed from each provision of the Constitution, the more difficulty we got into. He was opposed, not only to the amendment, but to the report of the committee.

Mr. BELL said the objection arose not from the amendment, but from the face of the Constitution as it stood. It was acknowledged that there was a defect in principle on the face of the instrument which his amendment was intended to remedy.

Mr. AYRES made some suggestions with a view to avoid the contingency which had occurred to him of the death of the Speaker of the Senate, at a time when there was no Speaker of the House of Representatives.

The committee then rose, and the Convention adjourned.

SATURDAY, JUNE 17, 1837.

Mr. W. W. RITI obtained leave of absence for a few days.

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

Mr. INGERSOLL and Mr. BIDDLE obtained leave of absence for a few days.

Mr. BARCLAY and Mr. HOPKINSON obtained leave of absence for a few days.

Mr. G. W. RITI, from the minority of the committee on the 1st article of the Constitution, made the following report:

All banks chartered hereafter shall be upon the following conditions, viz: No bank shall be chartered, unless it has the concurrence of two-thirds of two successive Legislatures; and that public notice be given of such intention in the immediate neighborhood where such bank is to be located, at least sixty days prior to said application to the Legislature.

2d. No bank shall be chartered for more than five years.

3d. No bank shall divide more than seven per cent. per annum of profits of said bank—the surplus profits over seven per cent. per annum to be paid annually into the State treasury.

4th. Each and every stockholder of all banks to be personally and to the extent of all his property, answerable for all debts of the bank which he holds stock.

GEORGE W. RITI,
Tobias Sellers,
George M. Keim.

Mr. DUNLOP asked leave to make a motion to adjourn till Monday morning; agreed to.

Mr. DUNLOP offered a resolution directing that when the House convenes, it will adjourn to meet at 10 o'clock on Monday morning.

Mr. M'CALL asked the yeas and nays.

Mr. DARLINGTON moved to postpone the motion for the present.

After a few words from Mr. Forward in favor of the motion to adjourn, and from Mr. Smyth, of Centre, against it.

Mr. STERIGER moved that the Convention do now adjourn.

Mr. DUNLOP said a few words in support of the motion to adjourn, and Mr. Maan against it.

The question being on the section of Mr. Darlington to postpone the motion to adjourn, some further conversation took place; after which

Mr. BROWN, of the county of Philadelphia, moved that the Convention do now adjourn. Agreed to—yeas 56, nays 48.

Adjoined to Monday.

MONDAY, JUNE 19, 1837.

Mr. SERRILL obtained leave of absence for a few days.

SECOND ARTICLE.

The Convention proceeded to consider the reports of the committee on the second article of the Constitution, in the committee of the whole, (Mr. Clarke, of Indiana, in the chair.)

The question being on the report of the committee on the 14th section, as follows:

"In case of the death or resignation of the Governor, or of his removal from office, the Speaker of the Senate shall exercise the office of Governor; and in case of the death, resignation, or removal from office of the Speaker of the Senate, the Speaker of the House of Representatives shall exercise the office of Governor, until another Governor shall be duly qualified;" and if the trial of a contested election shall continue longer than until the 3d Tuesday of December next ensuing the election of Governor, the Governor of the last year, or the Speaker of the Senate, or the House of Representatives, who may be in the exercise of the Executive authority, shall continue therein until the determination of such contested election, and until a Governor shall be duly qualified as aforesaid.

Mr. BELL moved to amend the report, so as to make the section read as follows:

Sec. 14. In case of the death or resignation of the Governor, or his removal from office, the Speaker of the Senate shall exercise the office of Governor until another Governor shall be duly qualified; but in such case another Governor shall be chosen at the next annual election of representatives, unless such death, resignation, or removal shall occur within three calendar months immediately preceding such next annual election, in which case a Governor shall be chosen at the second succeeding annual election of representatives, and if the trial of a contested election shall continue longer than until the third Monday of January next ensuing the election of Governor, the Governor of the last year, or the Speaker of the Senate, who may be in the exercise of the Executive authority, shall continue therein until the determination of such contested election, and until a Governor shall be duly qualified as aforesaid.

Mr. BELL said if any objection should be made to the amend-
Mr. STERIGERE said there was one contingency for which the amendment did not provide, and that was the one of inability in the Governor to discharge the duties. He suggested an amendment accordingly.

Mr. BELL accepted the amendment as a modification.

Mr. KERR asked what it was a case of inability?

Mr. STERIGERE said, a Governor might be so sick as to be unable to discharge any of his duties. The Constitution of the United States provided for the case in regard to the President.

Mr. PURVIANCE did not think it necessary, he said, to make any amendment providing for a mere contingency that would not probably arise, and he hoped that neither the amendment to the amendment, nor the amendment itself, would prevail.

Mr. BELL stated that a difference of opinion existed between eminent jurists as to the construction of the section as it stood. It was doubtful whether, in case of the death or removal of the Governor, the Speaker of the Senate would hold the office till the next annual election, or till the end of the term for which the Governor was elected. The contingency had occurred in the State of Kentucky, and the same difficulty of construction there arose, it being doubtful whether the Lieutenant Governor was to hold till the next election, or during the term for which the deceased Governor was elected. In case the Governor of Pennsylvania should die after the first month of his election, would people be willing that the Speaker of the Senate should exercise the duties of the office for the remainder of the term of three years?

Mr. FULLER said he was of opinion, that the person who was called to discharge the duties of the Governor, in case the office became vacant, should not exercise those duties longer than the earliest day at which the people could conveniently make any choice. That an accident should put a man into the office of Governor for more than two years, contrary perhaps, to the wishes of the people, and whom they never chose for the office, ought not to be tolerated. The case ought certainly to be provided for, and it was acknowledged that an ambiguity existed in the provisions of the Constitution on this subject.

Mr. DARLINGTON said he questioned very much whether, in attempting to provide for all the contingencies that might happen, we should not create gaps quite as wide as any that we filled. The gentlemen had not stated what was to constitute a disability, nor who was to judge of it. He suggested the difficulties which might arise under the amendment. He thought it would be better to adopt the report of the committee.

Mr. EARLE said it was very easy to remove all the evils that we could anticipate.

Mr. KERR said he felt disposed to vote for the amendment proposed by the gentleman from Chester, not because he thought it necessary, for no case had occurred which the amendment was intended to provide, but because there was some ambiguity in the construction of the section as it stood. But, as the gentleman had accepted a modification which created a difficulty much greater and more injurious than the amendment proposed to remedy, he should vote against it. It could not be stated what was a disability, nor who should judge of it.

Mr. FULLER moved to strike out the words embracing the case of disability. Agreed to.

Mr. AGNEW indicated some further difficulties in regard to the section. He asked how long the new Governor was to hold his office, for the term unexpired, or for a whole term of three years? and whether the term of the officers on the hill—the cabinet officers—was to be appointed by the provision? Was their term to be made to correspond with that of the Governor, if less than three years?

Mr. BELL said the Constitution answered the first question. It provided that the Governor should exercise his office for three years. As to the officers, he trusted that the Governor was to have nothing to do with the appointment of any of the heads of the departments, or officers on the hill, as they were called, except the Secretary of the Commonwealth. The people did not consider them as cabinet officers, nor were they so termed.

Mr. AGNEW said the Constitution provided that the Governor might require information from the officers of the executive department, and they were often considered and called cabinet officers, and, in fact and in practice, were cabinet officers. The laws had provided also, that these officers should hold for three years, the term for which the Governor was elected. The purpose of this arrangement was to give consistency and harmony to the administration of the government. The Governor could not discharge his duties with the same efficacy, nor be responsible for the operations of the executive department, unless he had a share in soliciting those who were to aid him in the different departments. But if the Governor should die in the first year of his term, the officers of the chief executive department would continue during two years of the next Governor's term, who in the last year of his term would appoint the officers to continue during two years of his successor's term and so on therefrom. Thus the Governor and the heads of the departments might always be in opposition to each other, not only as it regards public but also particular systems of state policy. The discussion which he had taken place showed the propriety of adhering to the existing provision of the Constitution on this subject, as any alteration would be attended with some difficulties.

Mr. MONTGOMERY offered the following, an amendment to the amendment, as a substitute for the entire section, which was read and the question being taken upon it, disagreed to:

"And if the removal of the Governor should have taken place three months before the next election for members of the House Representatives, then a person shall be chosen to fill the place of the Governor so removed, at said election. But, if said removal should not have taken place three months before said election, then said vacancy shall be held within three months after said removal to said vacancy. Provided, that if the time the Governor is removed shall not exceed nine months, then no special election shall be held, and the person who was the last speaker of the Senate, shall exercise the office of Governor until a person shall be duly elected and qualified Governor, which election shall be held at the next election for members of the House of Representatives."
CORRECTION.

By accident, the name of James Todd, Esq. was omitted in our reports of Tuesday's proceedings, on the call of the previous question by Mr. M'Cahen. Mr. T. voted in the negative of that question.

(Continued from Monday.)

The amendment moved by Mr. BELL was agreed to.

Mr. EARLE said the difficulty suggested by the gentleman from Beaver (Mr. Agnew) was one that ought to be provided for. He suggested a proviso that "nothing herein contained shall prevent a new election of Governor at the end of the term for which the last governor shall have been elected." This might be adopted provisionally, and, upon the second reading, the section, if needful, could be perfected. The principle, he hoped, would be adopted.

Mr. SMYTH said the provision was a good one, and the gentleman from Philadelphia County could move its insertion if he thought fit.

Mr. DICKEY hoped, he said, the report of the committee, as amended, would be rejected. The amendment proposed by the gentleman from Mercer (Mr. Montgomery) was the one which ought to have been adopted; but the committee saw fit to reject it, without discussion or consideration. That amendment remedied the whole difficulty, whereas that of the gentleman from Chester created new difficulties, without remedying the present defect.

The question being taken on the report of the committee as amended, it was determined in the affirmative—yeas 53, nays 45.

The 15th section, in which the committee had proposed no alteration, was next considered and read, as follows:

"15. A Secretary shall be appointed and commissioned during the Governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before either branch of the Legislature; and shall perform such other duties as shall be enjoined upon him by law."

Mr. DARLINGTON moved to amend the section by inserting the following:

"A Secretary shall be appointed and commissioned during the pleasure of the Governor."

Mr. READ said a moment's reflection would convince the gentleman that this was not a proper amendment, as it was a repetition of a provision made in the 8th section. He moved to amend the amendment as follows:

Strike out the words "A Secretary shall be appointed and commissioned during the Governor's continuance in office, if he so long behave himself," and insert the words, "The Secretary of the Commonwealth" shall keep, &c.

Mr. DARLINGTON supported the amendment, on the ground that the 15th section was the proper place for providing for the appointment, and prescribing the duties of the Secretary of the Commonwealth. It was incongruous to provide for the appointment in the 8th section, and to prescribe the duties in the 15th.

Mr. READ supported his motion to amend, on the ground that the committee had already decided, after a long debate, to provide for the appointment of a Secretary in the 8th section. To undo now what had been deliberately done, would be absurd. If we went on that way, we should never finish our work.

After some further remarks from Mr. Darlington and Mr. Dickey in opposition to the motion of the gentleman from Susquehanna,

Mr. SMYTH, of Centre, called for the yeas and nays on the question, and they were ordered.

The question being taken, it was decided in the affirmative—yeas 57, nays 40, as follows:


So the amendment was agreed to.

Mr. DICKEY moved to amend the amendment by striking out all after the word "Governor" in the 4th line, to the end of the section.

He would briefly state his views on this subject. By the decision on the 8th section, the Secretary of the Commonwealth was to be
The amendment as proposed was adopted. The report of the committee as amended was adopted.

The amendment to section first, one instead of two years' residence, &c. was proposed by Mr. Dickey in favor of the postponement. All the officers proposed to be elected by the people ought to be provided for in the 6th section.

Mr. STEVENS hoped the postponement would not take place. He could see no reason for it. It did not matter where these officers were provided for. He had no doubt that, when we got through, it would be necessary to appoint a committee to revise and arrange the different parts of the amended Constitution. All these officers could then be placed in one section, if it was desirable.

Mr. DICKEY said these provisions properly belonged to the 6th section. That was the appropriate place for all the officers to be elected by the people. He thought it better, therefore, to postpone this part of the report.

Mr. READ thought that the sixth article was the proper place for making these provisions, and he was in favor of the postponement.

Mr. DICKEY was glad that the gentleman had adopted the principle of putting every provision in its proper place. He was sorry he did not apply it to the provisions of the 8th section.

The amendment was rejected. The amendment as amended was agreed to, and the report of the committee as amended was adopted.

The minority report was also read, as follows:

Section 16. "The prothonotaries, registers, recorders of deeds, and clerks of the several courts, (except clerks of the supreme court, who shall be appointed by the court during pleasure,) shall be elected by the citizens of the respective counties; and the Legislature shall prescribe the mode of their election, and, from time to time, the number of persons to hold said offices in each county, who shall hold their office for three years, if they so long behave themselves well; and the Legislature shall provide for the mode of their election, and the number of persons in each county who shall hold said offices: the Governor shall supply any vacancy that shall occur by death, resignation, removal, or otherwise, until such vacancy be supplied by the people, as herein before provided for."

Mr. DARLINGTON moved to postpone the further consideration of this portion of the report. The question involved in it could better be considered when the 6th article was taken up.

Mr. DICKEY was in favor of the postponement. All the officers proposed to be elected by the people ought to be provided for in the 6th section.

The minority report was read, as follows:

Section 2. "The prothonotaries, recorders of deeds, registers of wills, and clerks of the several courts, (except clerks of the supreme court, who shall be appointed by the court during pleasure,) shall be elected by the citizens of the respective counties qualified to vote at the general election, and shall hold their offices for three years, if they so long behave themselves well; and the Legislature shall provide for the mode of their election, and the number of persons in each county who shall hold said offices: the Governor shall supply any vacancy that shall occur by death, resignation, removal, or otherwise, until such vacancy be supplied by the people, as herein before provided for."

The amendment was rejected. It was believed; but he hoped that, in deciding the question, reference would be had to the fact, that the chairman of the committee on the fifth article was necessarily absent.

The motion was agreed to, and the Convention resolved itself into a committee of the whole on the report of the committee on the third article of the Constitution, Mr. KERR in the chair.

Third Article.

The committee took up the following report of the committee:

"The committee to whom was referred the third article of the Constitution, report:

"The first section amended as follows, and the two other sections without amendment, as follows:

Article Third.—Of Elections.

"Sec. 1. In elections by the citizens, every freeman of the age of twenty-one years and upwards, who has resided in the State one year immediately preceding such election, shall be entitled to vote in the county or district in which he shall reside.

"Sec. 2. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote viva voce.

"Sec. 3. Electors shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them."

The minority report was read, as follows:

"The undersigned, a minority of the committee to whom was referred the third article of the Constitution, submit the following report, viz:

"That they have had the subject under consideration, and report as an amendment to section first, one instead of two years' residence, &c. The remainder of the section they report without amendments. To the end of the section they report the following additional proviso, viz:

"And provided further, that the sons of persons qualified as aforesaid, shall have a right to vote between the ages aforesaid, although their fathers may have been dead more than one year.

"The second and third sections they report without amendment.

PHINEAS JENKS, DANIEL SAEGER, JOHN CLARK."

Mr. RUSSELL moved to amend the 1st section by inserting the following: provided also, that a temporary absence of a citizen of this State shall not deprive him of the right of suffrage, provided it do not exceed one year.

Mr. Russell briefly explained and supported the amendment.

Mr. REIGART perfectly concurred, he said, with the gentleman
From Bedford. According to the construction of the present Constitution, a person who emigrated to the western country, with intent to reside, and Staid there but one day, and then came back again, would lose his right of citizenship.

After some remarks on the subject from Mr. Cunningham and Mr. Dunlop,

Mr. CLEAVINGER mentioned a case where a person removed to Illinois, but returned as soon as he could, but yet lost his domicile, and consequently his right of suffrage, for two years. In his opinion, if the intention to change a domicile was not accompanied by an act, the domicile would not be legally changed. But the slightest act might be considered as sufficient for that purpose.

Mr. RUSSEL on the suggestion of several members that the amendment would be better, introduced in another place, withdrew it for the present.

Mr. STERIGERE offered the following amendments:

"In elections by the citizens, every free white male citizen of the age of twenty one years, having resided in the state one year next before the election, and within that time paid a state, county, road, or poor tax, or a militia fine, which should have been assessed or imposed on him, or shall be exempted from the payment of tax, shall enjoy the rights of an elector: every free white male citizen born in the United States between the ages of 21 and 22, and every son of a naturalized citizen between the ages of 21 and 22 years, who may have resided in this state one year before the election, the last year thereof in the county where he may offer his vote, shall enjoy the rights of an elector, although they may not have paid any tax or militia fine: Provided, That neither paupers nor persons under guardianship, nor persons who have been convicted of any infamous crime, nor persons who may have been found non compos mentis shall be permitted to vote at any election. The election laws shall be equal throughout the state, and no greater or other restrictions shall be imposed on the electors in any city, county, or district than are imposed on the electors of every other city, county, or district.

Mr. ROGERS, of Allegheny, addressed the committee as follows:

Mr. Chairman: Having had the honor of being a member of the committee which adopted the report under consideration, and concerning with the majority in the expression of their opinion, I deem it due to myself to state, simply and clearly, my sentiments upon the subject.

The subject is one of importance, and one in which the very mass of the people feel a deep interest. It is to them the vital part of the Constitution. Well has it been said by Montesquieu, that the laws which establish the right of suffrage are fundamental to a democratic government. The sentiment is a true one. It is the very foundation upon which we are to rebuild the political fabric. Determine into whose hands you will trust the right of suffrage, and you fix, at once, the controlling and sovereign power of the community.

In no one of the northern, middle, or western States of the Union, with, I believe, but two exceptions, has the right of suffrage been hitherto trammeled with such rigorous and disqualifying provisions as in Pennsylvania. While the great States, the one upon our northern, and the other upon our western border, have demanded but one year's residence to acquire the rights of a citizen, Pennsylvania, with singular severity, has required a residence of two years and a tax qualification, which, in its silent practical effect, amounts in most cases to more than an additional year. The extreme northern States, Maine and New Hampshire, have been still more indulgent, and, by mild constitutional provisions, have limited the term of mere residence to as short a period as three months. The States of Indiana, Illinois, and Michigan, settled principally by the sturdy sons of New England and Pennsylvania, who have modeled their frames of government with all the lights of experience to aid them, have adopted the same liberal and enlightened views upon the subject of suffrage.

None have added the tax qualification, or founded their political institutions upon property. Shall Pennsylvania be less liberal than those States? Shall she treat with colder distrust and suspicion those free citizens of the United States, sons, perhaps, of sires who participated in the revolutionary struggle, who, in the spirit of adventure, from necessity or choice, seek her soil as the theatre of business or ambition? Shall Pennsylvania, distinguished for her simple institutions, her integrity of character, her peaceful and illustrious founder, William Penn, a name that breathes nothing but good will, and kindness, and concession—shall she found her supreme laws in harshness, injustice, and seeming oppression?

But, in my opinion, the most odious feature in the present Constitution is the tax qualification. A principle that cannot be sustained upon any ground of expediency or right, and wholly inconsistent with the spirit of equality. I view it as a relic of that property qualification, which has been deemed in all ages, by the privileged class, as a powerful chain to bind and restrain the people, and to strengthen the foundations of society. It is a sentiment of English growth that will not flourish upon American soil. It had its origin in the fanciful visions of the early theoretical writers upon Commonweal ths, who wrote like Harrington, in the first struggles of liberty with tyranny, with no examples before him of free republics, but those drawn from ancient history, and with no impressions but those derived from the circles of licentious courts. Very different are these noble sentiments of natural freedom and natural equality, the parent of Sidney upon the scaffold.

Some one has said—I think the sentiment is commonly attributed to Machiavel—that "no government can long continue free unless by a frequent recurrence to first principles." Sir, let us go back to first principles—let us examine into the foundation of things? What is the right of suffrage?

By suffrage, I apprehend, is meant in its most enlarged sense that expression of will, by which man signifies his disposition to enroll himself, we will say, in the social compact—and to institute government. It is by that power only that he can pass from a state of nature into the social compact. If a natural right, then, so precious is its nature, that the humblest man in the community cannot be divested of it. Forsook it may be by crime and other circumstances, but taken from him never without violence and injustice.
The inquiry has been often and repeatedly asked, will you surrender to men who pay no taxes, and who have no property, a control over the property of others? Property, sir, when compared with our other essential rights, is insignificant and trifling. "Life, liberty, and the pursuit of happiness," not of property, are set forth in the Declaration of Independence. What greater stake can any one have in government than he whose life, liberty, and happiness are at the disposition of the laws? Sir, who has not witnessed in this State the hardship and severity of the tax qualification? Who has not seen the old revolutionary soldier—he who had fought your battles—and poured out his blood to rear this fabric of free government, presenting himself at the polls, and his vote rejected, because he had not been regularly assessed, or because he was too poor to pay a tax? Sir, there is another class of citizens upon whom the tax qualification is much more onerous and oppressive. I mean the laborers in the community—who work in your manufacturing establishments—who follow the current of your improvements—who build your rail roads and canals. The tendency of their employment compels them often to change their residence—they cannot be regularly assessed, and they consequently lose their vote.

Yet, sir, is there any portion of the community—more industrious—more patriotic—in whose breasts the love of country is more deeply planted, or who feel a greater interest in the political questions of the day? Who rally with more alacrity to the field of battle, leaving behind them the workshop and the plough, when foreign or domestic foes threaten the liberties of the country? Who fought with more gallantry or filled in greater numbers the ranks of your armies, than the labouring class during the last war?

Disqualify them from voting, and what is the moral effect? You destroy all incentive to exertion—you stifle every generous impulse—you curb the spirit of independence, and manly pride of freemen, and quench the burnings of that fire of ambition, which carries so many in this country from the humblest ranks to the highest stations of life.

Sir, the fire of genius sometimes burns as brightly in the humble cottage as in the hall of wealth and splendour. Let those who would coldly disfranchise poverty, recollect some of its numerous instances.

"Remember Arkwright and the peasant Clare,
Burns o'er the plough sung sweet his wood notes wild,
And sweetest Shakespeare was a poor man's child."

Sir, the history of a great State, contiguous in geographical position, and closely allied in habits, interests, and pursuits—I mean the state of New York—furnishes us an interesting proof as well as a prominent example upon the present subject of discussion. In the Convention of that state which met in 1821 to revise its Constitution, the fears of the timid, and the eloquent efforts of distinguished men—Chancellor Kent, Chief Justice Spencer and others, caused a list of qualifications to be added to the right of suffrage, viz: the highway qualification and a military and tax qualification. But the same Constitution contained in it a provision for its future amendment by the action of the Legislature and a vote of the people.

Scarceley had the Constitution of 1821 been adopted before a provision—by toping off the various qualifications which was sustained by the people, and finally effected in 1826, leaving as Constitutional provision of that state, the naked and simple proposition of universal suffrage, qualified by the single circumstance of a years' residence in the state—very similar to the report of the majority of the committee.

Sir, the man who was foremost in that measure of reform, and who, as Governor of the State, recommended it in his message, and whose name would lend respect to any principle advocated by him, was one of the brightest ornaments of his time: I mean De Witt Clinton.

Mr. JENKS moved to amend the amendment of the gentleman from Montgomery, (Mr. Stierger,) by striking out the word white, before male citizen. He said he was desirous to obtain this amendment, as it would restore the section in this particular as it now stands in the Constitution. He had heard no objections to this constitutional provision, and he was not willing to make amendments where none had been called for by the people. This course will necessarily endanger amendments which they have desired.
The amendment, in some respects, is preferable to the report of the committee, who do away all tax qualification as necessary to the elective franchise. The tax qualification is now but a mere nominal qualification; a few cents entitle a man to a vote. This is right. The elective franchise is, and ought to be, within the power of every industrious citizen. But the amendment would entitle the inmates of almshouses to the rights of suffrage. The men who are supported at the public expense would have it in their power to say, to what amount the farmers and mechanics shall be taxed; for they would sit in the election of your commissioners, the fiscal agents of the county, and in the election of representatives, who may encumber the lands of the citizens to an unlimited amount by taxes, raised for ill-deserved and unproductive improvements. And while I am disposed to cherish the elective franchise as a sacred right, and am inclined to extend it to every proper length, I do think that all who enjoy it ought to contribute their mite to the support of government, however small that mite may be. It is right in principle, that he who votes for officers who are armed with powers to tax the citizens, should himself be a tax-payer. If he is not, he can have no interest in the selection of men who would guard against unnecessary and oppressive taxation. And while, on the one hand, I would guard the elective franchise, and extend it as far as practicable; I would, on the other hand, endeavor to protect the citizen from oppressive taxation.

Mr. MARTIN, of Philadelphia county, opposed the motion to strike out the word “white,” and thus make the blacks not only voters, but eligible to office. He declared himself ready to go as far as any able to extend the right of suffrage; but not to extinct hopes, and hold out the delusive shadow of privileges, which must end in disappointment. So far from such a provision in the Constitution being a blessing to the black population, it would bring upon them misery and ruin. This bringing the blacks upon a level with the whites, might be a theme of declamation for the speakers, in which gentle men might discourse about equality and freedom, while those very gentlemen had no intention of bringing the black upon a level with himself. There was not a man in the Convention, that had the least inclination for placing himself and the black man upon an equal footing in society. The object was to place the black upon a level with the white laborer, and thus to degrade the poor laboring white man.

For his part, he could never consent to do it. He foresaw the misery that must vitally follow to the African, if mistaken philanthropy, or political hypocrisy, should finally bring down the poor white laborer to a level with the black man.

With regard to the tax qualification, he was in favor of its being modified so as to read “liable to be taxed.” He thought that those who were not liable to support the government, ought not to claim to direct it. He was opposed to leaving the right of suffrage in the hands of an ascendant, and thus give him a chance either ignorantly, or dishonestly, to deprive a Freeman of his vote.

In remodelling the Constitution, he hoped, unless there was a disposition to cheat the black people, and make them believe that the Amendment was in their favor, when it was nothing but fraud, that the word “white” would not be stricken out, but that the thing would be put at rest. Was there a man in the Convention, who would like to see a county represented by a black man on this floor? Was there a delegate who would take his seat beside a negro, and deliberate on the questions before us? There was no such feelings of equality here—and the attempt to make the black people believe so was gross fraud. The black people could not vote now—public sentiment, rising above all law and the Constitution, prevented them from coming to the polls. He had never known, in any county in the Commonwealth, the black man voting. In the county of Philadelphia, the black man could not with safety appear at the polls; and to bring him there would endanger the peace and happiness of the whole black population. He asked the gentleman from Bucks, (Mr. Jenks,) if the blacks would not be eligible to office, should they be made equal to the whites at the ballot boxes? Would his respectable black fellow, who was worth $100,000, be elected, if he should run for the Legislature? And if he should, does the gentleman think that he would be permitted to take his seat here? He would not. They then undertake to deceive the black population. Why make a fraudulent Constitution, and insert provisions in it that are only calculated to deceive the black, and inflict misery upon his race?

Mr. MERRILL opposed the amendment of Mr. Sterigere, and spoke in favor of making no distinction at the polls on account of color. He was in hopes to have escaped the contest about the word white, as he did not know how soon a man of rather dark complexion might be deprived from voting, if such distinction was continued by the Constitution.

Mr. JENKS withdrew his motion to strike out the word “white.”

Mr. DORAN differed from the gentleman from the county of Philadelphia, (Mr. Martin,) in reference to the amendment of Mr. Sterigere. There were some things in that amendment which would disfranchise a large portion of the citizens of the Commonwealth. He did not mean that part relating to the blacks; for he would not discuss that part of the amendment. But there were some other things which he could not agree to. The amendment would disfranchise,

1st. Paupers. 2d. Convicts. 3d. Persons under guardianship.

In the first place, it is difficult to understand who is meant by paupers. Does he mean the poor in opposition to the rich? This is one of the meanings given to the word in Webster’s dictionary. Suppose we take the common sense meaning of the term. Is a man to be disfranchised because he is poor? A man may be rich to-day, and poor to-morrow. Misfortune may have reduced the most wealthy men to become dependent upon public charity.

Mr. STERIGERE explained. He meant no such distinction. The word conveyed no such meaning. He meant those who were supported at the public expense, by the county or township—as provided by your poor laws—that is my import of the term.

Mr. DORAN said he believed that there were as good men in the poor-house as in the Convention—old soldiers, who have fought the battles of the country, have been compelled to go to the poor-house for that support which the country owes them. There was such a thing as in-doors paupers, and out-doors paupers. Was it understood to
disfranchise any man who had received aid at some period of his life. Poverty was no crime, and ought not in any instance disfranchise a man.

The second proposition was to disfranchise a man who had been convicted of an infamous crime. There were some men, who had been found guilty of crimes in early life, but who afterwards reformed. Was it intended to discourage reform? To no longer hold out the hopes to a man, to retrieve his character by a better course of conduct? He believed that no injury had resulted from the Constitution in this particular.

The third class of persons disfranchised by this amendment, were persons under guardianship. He suggested that, as the mover (Mr. Sterigere) was a bachelor, it might be a plan to disfranchise his brother members who were married men, or under the guardianship of their wives—or, if the term might be used, petition government. He hoped that no such disfranchisement would be authorized by the new Constitution.

Mr. BROWN, of Philadelphia county, suggested that the term "pauper" was too general, and might be construed to mean more than was intended by the gentleman from Montgomery. With regard to the disfranchisement of those convicted of infamous crimes, it might so happen that a man might be convicted who was afterwards found not to be guilty.

Mr. STERIGERE said that, at the request of some of his friends, he would modify his amendment by striking out the word "white."

He said that objections might be started in reference to almost any thing. The term "pauper" was plain and definite, as "citizen" or any other word in the language. He thought that men who were supported by charity of the government ought not to vote. He would not vote in accordance to his own opinions, but in the direction of others. He also thought that convicts ought not to participate in the direction of that government; our laws try to prevent crime by threatening punishment, and to punish and disgrace men guilty of infamous crimes. This would assist in preventing them.

Mr. DICKEY was in favor of extending the right of suffrage. The people of western Pennsylvania were in favor of it. He was in favor of abolishing the tax qualification. A man should vote because he was a man, not because he had paid a tax. He then stated a case, where a soldier of the revolution, who had become poor, had been deprived of voting in consequence of this tax qualification.

Mr. DARLINGTON opposed the amendment, although he was in favor of a tax qualification. He opposed it on the ground that it contained other matters which were objectionable.

Mr. BELL opposed the amendment. He said that he was in favor of a tax qualification, but was opposed to requiring a year's residence before a man from another State could vote.

Mr. CLARKE, of Indiana, declared himself against the amendment, because it was an unnecessary restriction upon the elective franchise. He thought that there should be no other restriction than the acquisition to be a freeman. He had no faith in the old doctrine that no man should have a voice in the government, because he had no property, no freehold to give him an interest in the community. It was the old contest between power and right, which had been antagonist principles from the time that men entered into society. The household qualification had been obliged to yield to the advance of free principles; and the tax qualification, which was a part of the same system, ought also to be abolished. Every man, whether he had property or not, had a stake in community, and was bound, when called upon, to serve the country. In the New York Constitution, a clause was inserted giving the power to the Legislature to pass an act to exclude persons from voting who had been convicted of infamous crimes. This was far enough to go, and as far as reason dictated.

The tax qualification grew out of an incident connected with the war of the Revolution, when our fathers contended that the British Parliament had no right to tax the people without giving them a representation, and that taxation and representation should go together. But our fathers never meant to place taxation before the right of representation. No taxation should be a pre-requisite—a freeman should be a freeman—and no question should be asked at the polls of a freeman, except "are you a resident of the district?"

There was another and a stronger objection to this tax qualification. It would put the dearest rights of freemen into the hands of third persons. A dishonest or forgetful assessor, or a negligent collector, could deprive a free citizen of the right of suffrage. For his part, he wished to keep this right in his own hands, and would never vote to put it into the hands of third persons. A poor man should not have his rights, his dearest rights taken from him, for the pitiful consideration of a six or ten cent tax. He then gave an account of an old gray-headed man, of high respectability, who had been deprived of his vote in consequence of this tax qualification. He believed that the poor man had as great a stake in the community as the rich. The protection of life and the enjoyment of liberty, were as dear to the poor man as to the rich, and his personal right ought to be the same. The committee then rose, and the Convention adjourned.

MONDAY AFTERNOON, June 19.

The Convention again resolved itself into the committee of the whole on the report of the committee on the third article of the Constitution.

Mr. STERIGERE then said that, in order to test the principle of universal suffrage, he would withdraw his amendment.

Mr. BELL then moved to strike out of the report, in the second line, the words "one year," and insert in lieu thereof "six months," and after the word "election" in the third line, to insert the following: "and shall have paid a State or county tax within two years."

Mr. DARLINGTON then moved to amend the amendment by striking out all after the word "years," and inserting: "Having resided in the State one year next before the election, and within that time paid a State or county tax, which shall have been legally assessed, shall enjoy the rights of an elector: Provided, that the sons of persons, who are or may have been qualified as aforesaid, between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes: And provided also, that the temporary absence from the State, of any qualified elector, or his actual residence elsewhere, shall not deprive him of his right of suffrage, if such absence and residence shall not have exceeded the term of one year."

Mr. DARLINGTON said that the amendment which he had of-
He was opposed to dispensing with the tax qualification of voters, as every one who enjoyed the privilege of directing, should contribute his share of the means for supporting the government. The right of representation and taxation should go hand in hand, and this republican principle was contended for in the revolution. If it was wrong for the British Parliament to tax the colonies without giving them a representation; if it was wrong to tax them without their consent, it was wrong to give the right of representation to those who are not taxed. Let the voter pay something towards the support of government, no matter how small, for so great a privilege. Let his occupation be taxed. Every man who deserves the name of a freeman, ought to have some occupation; and if he has not, his voice in the government will neither do the public nor himself any good.

Mr. REIGART said, Mr. Chairman, I cannot support the principles contained in the amendment of the delegate from Montgomery, (Mr. Stierigere,) which he has just withdrawn; because, in the first place, it contains some new doctrines and untried experiments; besides it is too much in detail and not sufficiently explicit: nor can I give my cordial assent to either of the amendments proposed by the respectable delegates from Chester. My object, however, in addressing the committee at this time, is more for the purpose of correcting an error into which the delegate from Indiana (Mr. Clarke) seems to have fallen. He has told us that he admired the Revolutionary doctrines as to the right of suffrage: that delegate has told us that the tax qualification was odious; that it should not be retained in the amended provisions of the Constitution; and that the people expect, and have a right to expect, its expurgation from the Constitution which we shall submit to them. Permit me, sir, for a moment, to examine the positions he has assumed, before answering his other arguments. The charter of liberties granted by Mr. Penn to the colonists in 1682, (and I now speak from recollection only,) imposed a freehold qualification of some fifty acres of land and payment of tax on the elector as well as the elected, and this continued to be the qualification until the commencement of that blessed revolution, which sounded us as a nation from the parent country, when our ancestors, goaded to desperation by the long continued oppression of a foreign tyrant, and still more tyrannical ministry, reared the standard of freedom, and proclaimed liberty to an astonished world. It is, sir, the history of all ages and all nations—that, however difficult it may be to commence the revolution of a long established and strong government, it is no less true that when the ball of revolution has commenced revolving, it revolves with fearful rapidity, and that there is sometimes great danger of anarchy. This danger was happily averted by our politic and wise revolutionary fathers; these great men had the history of the world before them: they foresaw when they commenced revolution in what it must terminate, when they renounced their allegiance to kingly rule, if they failed to adopt another better suited to their condition. These men, in the midst of revolution, flushed with victory, elevated with the more pleasing anticipations of the future, united in the science of self-government, did not lose sight of the great fundamental principle of government: they had long contended against taxation. Without the right of representation, this, as all are aware, was alleged as one of the principal moving causes of revolution. In the Constitution of 1776, we find the principle engrained. None can exercise the right of suffrage without the payment of a public tax, and one year's residence in the state. The property qualification was rightly abolished: it was not then, and is not now in unison with our feelings, nor our policy as Pennsylvanians. Our Delaware neighbours, it is true, still retain the property qualification in their amended Constitution: it may be suited to their conditions; it may be their policy, but it is not ours; and I hope we shall not outlive the time in Pennsylvania when the possession of a few acres of land shall confer on any of our citizens any right which those who own no land cannot enjoy: let there be an equality of rights in every respect—a community of interests—and let the laws operate unitedly and equitably on all. I have thus endeavoured to show that the delegate from Indiana is mistaken in the view he has taken of this matter, and that the revolutionary Constitution contains no doctrines as he had contended; for in one thing, I apprehend, we shall all agree; that is, that one year's or six months' residence in the state shall be sufficient to confer the privileges of an elector on such resident, if he be a citizen. To this I would superadd the payment of a tax, however small it may be; and this, if for no other purpose than as evidence of his citizenship, and of his rights as an elector.

Gentlemen may declaim as much as they please of the rights of the people: they may talk as they will of their love for the dear people. Without, for myself, making any such professions, and without truckling to any man or set of men living, I am willing to be judged by my own kind and indulgent constituents, and by my fellow citizens generally; by my public acts; by my votes here, and not by my professions of love for them, although I yield not to any gentleman in true respect for my constituents: they have that high intelligence and virtuous indignation which would teach them justly to despise and loathe me if they suspected me capable of the base offence of truckling to any human being. I then, sir, avow myself opposed to the exercise of the elective franchise by any man within this Commonwealth, who shall not have paid a tax of some kind within two years of the exercise of his privileges as an elector. This may sound harsh to the ears of some gentlemen who avow themselves to be the exclusive friends of the people: the sentiments are my own; I am responsible for them; if this be aristocratic, then I am an aristocrat. Sir, I have yet to learn that any poor man in this Commonwealth has complained of the payment of a tax of ten cents: the poorer classes of my constituents have never thought on this subject; many of them would be offended with any collector of taxes who omitted to call on them for the payment of their taxes; if they are poor, they are generally
afraid. But, sir, what does the delegate from Indiana propose? To place the vicious, the wandering Arabs, the Tartar hordes of our large cities on a level with the virtuous and good man—on a level with the industrious, the poor, and the rich? These Arabs, steeped in crime and in vice, to be placed on a level with the indolent population who inhabit our hills and valleys, our towns and villages! Why, sir, the bare proposition is insulting and degrading to the community.

Let the delegate from Indiana give us some cogent reasons to induce us to place the government of the country in the keeping of such a crew as this. In the name of an honest and industrious community, I protest, sir, against such a subversion of all principle as this: in the name of my constituents, I hold up my hands against a proceeding which confers on the idle, vicious, degraded vagabond, a right at the expense of the poor and industrious portion of this Commonwealth: in the name of reason, of justice, common sense, and common honesty, I deprecate any thing of this kind, and hope for deliverance in the good sense and sound principles of this Convention.

But the delegate from Indiana asks us to adopt his proposition on another ground. He tells us that he will never agree "to commit his rights to the keeping of another." He tells us that before a man can experience the privileges of an elector, he must have been assessed at least six months before the election. This, sir, is true; it is properly so; it is a wise constitutional provision; one that I trust may long exist; one that is calculated to preserve the purity of our elections, and to the elector the free and unbiased exercise of the elective franchise. Does this work injustice? Why the delegate tells us that it is placing his rights as an elector at the mercy of the assessor: in this he is entirely mistaken. He has arrived at a wrong conclusion from assuming too much. The exercise of the rights of an elector are at his own disposal. He may give the assessor notice to assess him at the proper time; he may call on him for that purpose if he pleases; if he suspect him of fraudulent intentions, he can, with great ease to himself, prevent it. But I apprehend the conclusion at which he arrives is rather imaginary that real: it is baseless and unsubstantiated. The act of Assembly secures the rights of electors beyond the possibility almost of failure: if he has paid a tax within two years, the elector cannot constitutionally be deprived of his vote; if he has not paid one within that time, it is perfectly within his knowledge, and he knew the fact long enough to do himself justice in this respect, by calling on the assessor and apprising him of the omission; and if he neglect doing so, he is certainly himself in fault, and should not complain of his own omission; or if he remove into a new neighborhood after the assessor has visited it and taken the enumeration, he should apprise the assessor of the circumstance, that he may make the proper entry in the book. I have thus, sir, endeavored to show, and I trust successfully, that the last ground assumed by the delegate from Indiana, is equally untenable, and that, instead of the privileges of the election being in the keeping of others, it is entirely in his own, and if he does and will not attend to the requisitions of good and wholesome laws, he must only blame himself, and take the consequences of his own act.

In conclusion, sir, permit me to observe, that the gentleman from Chester (Mr. Darlington) should alter his amendment so as to fix the time at which the assessment should be made, and give the right of voting to all young men between the ages of 21 and 22 years of age, without reference to the qualifications of the parent. With these alterations, I would give to his proposition my zealous and cordial support.

Mr. CLARKE, of Indiana, said the gentleman from Lancaster (Mr. Reigart) had misunderstood him. He did not object to the tax, but to making it a preliminary principle. The gentleman has cited the principle contended for by our fathers, that taxation and representation ought to go together. But the fathers of the revolution never made taxation the leading principle. Taxation only grew out of the right of representation. The principle of making a tax the foundation of right, was directly opposed to the principles of the revolution. The gentleman has cited the government of William Penn. Penn took a great stride towards free principles, when he made an inroad upon the principle of primogeniture, and decreed that two shares only of the estate should descend to the eldest son. But since that day, great advances had been made in the arts and sciences, and in government; and this Convention were required to keep pace with the spirit of the age. The time has come when the tax qualification should be dispensed with, for a man should vote because he is a man. Privilege should not depend upon his paying a six cents tax. The gentleman says, if you dispense with the tax qualification, the wandering Arabs may come here and tax us. This is the very same principle that our fathers, that taxation and representation...
CONVENTION PROCEEDINGS.

(Continued from Monday.)

one State, and recross and vote in another, as the elections were not held on the same days. There was also another reason. Some time was necessary for a voter to become acquainted with the candidate, his qualifications and fitness for the office. He could, by inquiry, obtain the necessary information in six months, and he thought it was about the proper time to fix as necessary to entitle the citizens of one State to vote in another. He was opposed to the term of two years. A man from a sister State ought not to be looked upon as an alien. It was against common sense and common justice. A man from another State had all the qualities of the head and heart that a native born Pennsylvanian had, and should only be required to wait long enough to enable the officers of the election to determine his residence, to enable him to vote.

Mr. BROWN, of the county of Philadelphia, was opposed to the amendments of both the gentlemen from Chester, and he was not perfectly satisfied with the report of the committee. The amendment of the gentleman from Chester (Mr. Bell) was good, so far as it required but six months residence; but it retained the tax qualification, which he was opposed to. The report of the committee required one year's residence, to which he was opposed. He did not like the words "citizen" and "free man" in the report—they appeared to him without definite meaning, and he intended, at a proper time, to offer an amendment giving the "rights of an elector to every citizen of the United States of twenty-one years of age, who has resided six months in the State." After comparing the different propositions before the committee, he said, why should we retain the tax qualification? The gentleman from Chester, (Mr. Bell,) and the gentleman from McKean, (Mr. Hamlin,) say it is evidence of residence; but neither of these gentlemen say that it ought to be assessed six months before the election—then where is the evidence of residence? It may be assessed the day before the election. This six months' assessment provision seems to be given up on all sides. Then, as an evidence of residence, it is defective. But this is not the objection to it—it is wrong in principle. The qualifications of an elector should be higher and deeper than the mere payment of taxes—he should be a man and a citizen. True, he ought to pay his taxes; so every man ought to pay his debts; but they should be collected as other debts are collected, and his inability to pay should not disfranchise him. His poverty should not be made a crime. The rights of an elector should be so established, that no other power than the body politic, by constitutional acts, could prevent its exercise.

Under the tax qualification, electors might be disfranchised by the Legislature, or by the wilful or careless neglect of an assessor. The gentleman from Lancaster (Mr. Reigart) says every one can have himself assessed. True, he may if he chooses attendance on the assessor, who may be some miles off, a dozen times before he finds him at home. But is this the tenure by which the rights of an elector ought to be held? The rights of an elector was justly described by the gentleman from Allegheny, (Mr. Rogers,) as the foundation of our government. It is the rock on which the temple of liberty is built—the fountain from which all free institutions flow. The electors are the government itself, and to say that the payment of a mere pittance was requisite, to establish this high and sacred right, was degrading its character and impairing its obligations. Here Mr. B. went into an argument to show how electors might be deprived of the right, by not being taxed—how the State and county might dispense with personal tax. By the receipts from the public works, banks, &c., the State might need no such tax, and the counties might require some service in lieu of the tax, and thus deprive, by law, the citizen who had no property to tax, of his right to vote. The gentleman from Lancaster (Mr. Reigart) says, by taking away the tax qualification, we will be overrun by "wandering Arabs," vicious vagrants, who have no interest in the State. Is this so? said Mr. B.

Has the poor man no interest? Are his personal rights and safety nothing? Is the sacred rights of conscience nothing? Is it nothing to him that he stands among men, a man, equal to the highest and wealthiest? Has he no love of country? None of that devotion to liberty! Has he no attachments to his home, though it may be another's? Is it nothing to him that, around his humble hearth, his wife and children gather in peace, and dwell in security—and when he goes forth, no press-gang awaits to drag him from them? Government to the poor man is his all! Take from him what it gives, and you leave him nothing—he sinks to the level of the slave. All history proves that the poor man feels no great interest in the government of his choice as the rich—nay, if he might make a comparison he would say a greater. Who fought the battles of liberty? Who were the first and the last to defend its sacred temples? Was it none but the rich! What poor man ever deserted his home or his country in times of peril! What poor man during the revolution ever turned traitor? When the liberties of the country are in danger—when tyranny is about to usurp her place—the poor man will be found fighting in the last ditch—on his own hearth stone, will the last drop of his blood be shed. He can purchase no greater good than free...
government. But the rich man may buy favor even with tyranny. Indeed, under some such forms of government, the rich flourish most.

His very property—the pleasures he derives from it—will induce him to purchase its safety and protection. Then, why say that the poor man has no interest? That he has not an equal interest with the rich? Why enervate him as a vagrant, or an Arab, and attempt to disfranchise him, as was designed by the gentleman from Lancaster, (Mr. Reigart,) and others? Mr. B. said it was not his wish to make any distinction between the rich and the poor. The rich men of the State are as patriotic as any in the world—it was their interest to be so. But this was no reason why the poor should be stamped as less patriotic, and it was to disprove this that he had instituted a comparison. He wished them to be in the eye of the government equal, and was opposed to any distinction.

Here Mr. B. went into an argument on the provisions of the Constitutions of the several States on the right of suffrage, which required short periods of residence only; and said he was anxious to break down the barriers that divide the citizens of the separate States. He thought that the provision of the Constitution of the United States, that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States," ought to be carried out to its fullest extent. He was in favor of state rights; but we ought to make the people of these United States, as far as practicable, one great family; and wherever the citizen of any one of the States might go, he might find himself at home—a citizen and not an alien. Mercantile establishments for the purposes of local government, ought not to divide too strongly a people whose habits, feelings, interests, and knowledge of each other, and of the great principles of free government, were so similar and perfect. All that ought to be asked of any citizen of the United States was a residence—not a temporary, but a permanent residence. All other barriers should be removed.

What equality of privilege was there when a citizen of Pennsylvania might go to Virginia, and, in one day, by the purchase of a twenty-five dollar freehold, or by a three months' residence in Maine, become a citizen; yet, when he returned to Pennsylvania, the home of his youth, he must remain two years before he can be again acknowledged as a citizen? This was not only unjust, but impolitic. We should find our institutions in the hearts of the people, the whole people—there should be no complaining voices within our borders. This was the kind of government he hoped we would have.

Mr. BELL said he saw no reason in favor of two years' residence, or one year's residence. He prided himself on his citizenship, not of the little town where he resided, nor of this large State, but of the Union. That was the spirit which animated those who framed the Constitution of the Union. Why was it made a positive law, that the citizens of each State should enjoy all the privileges and immunities of citizens of the several States? They felt they were building, not the several States, but a union of States. Why do we require any residence, therefore, from citizens of other States? Merely that they may become acquainted with our local concerns. But, in this day of diffused intelligence, and rapid physical and moral communication, will it require a man two years to obtain that information? Six months residence was as long, in proportion to those facilities, as the present day, as two years was in 1790. If he had not found that provision in the Constitution of 1790, he should not have proposed to require anything more than the payment of a small tax; he thought a very small tax qualification was proper. The gentleman from the county (Mr. B.) shakes his head. But, sir, look at this fact. We have, in each county, a poor-house, where some hundreds of individuals are maintained at the expense of the county. The inmates of these lyster houses of indolence and crime, are subject, in every respect, to the rigid control of a master, called the superintendent. Now, will any man tell me that these men should be brought to the polls, having no will of their own, and made to vote just as their master may please? There was no poor, honest, and virtuous man, who could not pay the small tax proposed in this provision.

After a few words from Messrs. Woodward, Brown of the county, and Bell,

Mr. DICKEY said he was opposed to the tax qualification entirely, because the poor man had as much stake in the community as the rich. He was opposed to the proposition to reduce the residence to six months, for reasons which he gave at some length. His object was to secure some test of a permanent and common interest in the community; of an identity of feelings and policy with the people of this State; and a residence of six months was too short to establish this evidence. No residence was required in Virginia, because there a property qualification was the test. Ohio, bordering on the district represented, required one year's residence, and there was no reciprocity in our admitting a citizen of Ohio after six months residence.

Mr. RUSSELL offered an amendment to the amendment, providing that the temporary absence of a qualified elector, or his residence in another State, shall not deprive him of the rights of an elector, unless it shall exceed the term of one year.

Mr. DARLINGTON accepted the amendment as a modification.

Mr. M'CAHEN said that he was in favor of every man paying his taxes for the support of his country; but he thought that taxes ought to be, like the other requirements of law, collected and paid without reference to the right of suffrage. Every man is bound to observe the laws, and no difficulty could interpose that does not now exist in the collection of taxes levied upon our citizens. He would have the sacred right of voting free; and not shrouded in a qualification necessary to support your government. He wished that our citizens might not be deprived of their votes when the election came, because they had omitted to pay their taxes, or because the assessors had neglected to assess them. He wished that perfect equality should prevail upon the election day. The gentleman from Chester (Mr. Bell) thought that the inmates of our almshouses or poor-houses, chiefly in the eastern part of the State, would be brought by the managers of the directors to the polls, and vote according to instructions. He believed that the tax proposition would not obviate the complaint, because if they could "turn the election," the directors or managers could pay the tax. The consideration of ten dollars would be nothing, if the result of the election depended upon these votes. He thought the gentleman's argument would apply with equal force against persons employed in factories, who might be presumed to be under the influence of the employer, and therefore it lost its force in
Mr. STEVENS said he should be in favor of requiring six months' residence as a qualification for a voter, particularly if there should be no property qualification.

Mr. STEVENS said he should go for the amendment of the gentleman from Chester, (Mr. Bell,) as a compromise between a proper system and the proposition which would bring all the vagrants and vagabonds in the State to the polls.

It was well known that any man who chose to be assessed, could compel the assessor to tax him, if he has any taxable property, on any occupation. It embraced every man who was worthy of exercising the right. It was not necessary that he should have property to the amount of one dollar, if he had any occupation whatever. If he favored one day in the week, and begged all the rest of the time, he could compel the assessors to return him as a voter. No one could be deprived of a vote by this small tax qualification, except paupers, who were placed on the public charge by the certificate of a magistrate, common vagrants, and convicts in the penitentiary and jails. Now, he asked whether those gentlemen who talked so much about the inalienable rights of voting, would contend that such persons were entitled to exercise that right? Surely it is only the victims of vice, intemperance, and folly who became paupers—and he asked whether the republican principle required, that they should come to the polls, and direct those who fed and clothed them, whom to choose for office? It was not true, in fact, as has been declared here, that wealth was the old antagonist principle to liberty, and that the rich were enemies to freedom and to the poor. He had listened with regret to declamations so well calculated to array classes of the community against each other. The doctrine would break down all the barriers of free government. Who were Hancock, Washington, and Carroll? Were they poor men? Were they not rather of the aristocratic class? Rich men were sometimes tyrants, and poor men, too, when they had the power. In the heart, and not in the condition, were to be found the principles which governed the actions of men. The owner of a hundred slaves, and the hireless miserable drudge who labored them to their tasks, were alike tyrants in principle, however different in condition. The doctrine of the natural hostility of the rich to the poor, was that which Cataline taught to the debased, and ruined, and abandoned men, whom he engaged in his conspiracy against order, and virtue, and liberty.

Mr. BROWN, of the county of Philadelphia, said, heretofore the gentleman from Adams (Mr. Stevens) had been allowed, on all occasions, to deliver his usual harangues about "Jack Cades," "slang," "vultures," and "mad dogs," without any one noticing them, knowing that such epithets had no other effect here than to characterize their author; but as that gentleman had thought proper recently to take some three or four days to write out his inflammatory effusions, and thus condemn them prepared to the community through the Daily Chronicle, he, Mr. B., thought they ought not to be allowed to go forth from this hall without notice.

The friends of an extension of the right of suffrage had given arguments in favor of their propositions; the gentleman from Adams had not attempted to meet these arguments; he found it easier to declaim than argue. The friends of reform had said one word about rich or poor, until the distinction was made by their opponents. The gentleman from Lancaster (Mr. Reigart) denounced the attempt to take from the right of suffrage the tax qualification, as one that would bring to the polls a host of wandering Arabs, who would have an equal weight in the elections with the property holders of the State, and patriotically asked what interest such men had in the country? He, Mr. B., had attempted to show that the poor man had proportionately as great, if not a greater interest than the rich—his personal rights were his all. He had asked when and where the poor men had proved untrue to their country? When were they not found ready to shed the last drop of their blood for the soil on which they lived—for the hearthstone around which their wives and children gathered, though the soil and dwelling were not their own? What poor man was ever a traitor to his country? He, Mr. B., had also said, when liberty was endangered—when tyranny was about to usurp her sacred temple, the first to exercise their country's interest to their own, were the rich. He did not say the rich were all such—he spoke of history. To the poor man, his liberty, his right to worship his God, and enjoy the peace of his home, were all; he was the first and the last to protect and defend them. He had not the means to buy their security if invaded, nor to remove where they would be secure—the rich could do both. Does the gentleman from Adams deny this? No; he meets it in his accustomed manner, by talking of vagabonds and Catalines; and says he never expected to hear, in this hall, such appeals to liberty—such distinctions made between the rich and poor. But the gentleman from Adams should recollect it was his own friends that made the distinction, by attempting to degrade and disfranchise the poor man. He, Mr. B., would say to that gentleman, he never expected to hear, in this hall, such declamatory appeals about Jack Cades, mad dogs, and Catalines—appeals to the lowest passions of the lowest of mankind, and made for other places than this hall.

We have given arguments, and I ask that gentleman for argument. If he denies what I have said, I am ready to meet him now, or at any time, and prove, from history, all I have asserted to be true. We have only asked for the rights of suffrage for citizens of the State of Pennsylvania, resident upon her soil. If they are not to be allowed the rights of citizens, give us some reasons for it, not unless we want argument, not denunciation. Take from them the nearest right of freemen, but do not denounce them as wandering Arabs and vagabonds, and those who advocate them as Catalines. Such denunciations are out of place here, in this hall, or in Pennsylvania; they are worthy,
only of the last days of Rome, and those who debased and destroyed her liberty.

Mr. EARLE rose to speak, when, on motion of Mr. STEVENS, the committee rose, and the Convention adjourned.

TUESDAY, June 20, 1837.

Mr. SMYTH presented a petition from sundry citizens of Centre county, on the subject of banks and banking. Referred.

Mr. MAGEE presented two memorials of sundry citizens of Perry county on the same subject. Referred.

Mr. EARLE presented the memorial of sundry individuals in behalf of twenty thousand citizens of Philadelphia county, expressing their views in reference to corporations, the suspension of specie payments by the banks, &c. which was read and referred.

Mr. MILLER offered a resolution providing that the rules be so altered, that it shall be in order to require the yeas and nays on a question of adjournment. Lies over one day.

Mr. MYERS offered the following resolution:

Resolved, That the 4th section of the fifth article of the Constitution be so amended, that, from and after the 1st day of January, 1839, the several courts of common pleas shall be established in the following manner: The State (excepting the city and county of Philadelphia, Lancaster, York, and Allegheny, in which the district courts already established by law shall remain as heretofore, subject to such alteration as the Legislature may from time to time direct) shall be divided by law into convenient districts, consisting of three adjoining counties. A president and two judges, persons of knowledge and integrity, skilled in the law, shall be appointed in each district, one to reside in each county, any two of whom shall be a quorum; but the Legislature may from time to time vest such powers in a single judge, as they may deem necessary to expedite the proceedings of the court, and effect the ends of justice: Provided, that whenever it shall occur that the number of counties in the State, with the exception aforesaid, is such that each and every district cannot consist of the precise number of three counties, the Legislature may provide for one district to consist of two or four counties, as in their opinion will best promote the administration of justice.

Mr. COPE, from the committee on accounts, reported a resolution for the payment of sundry accounts for printing, which was agreed to.

After some conversation as to the mode of proceeding, it was determined to resume the consideration of the

THIRD ARTICLE.

The Convention, having resolved itself into committee of the whole, Mr. Kerr in the chair, renewed the consideration of the report of the committee on the third article of the Constitution.

The question being on the following amendment, offered by Mr. Darlington:

"Having resided in the State one year next before the election, and within that time paid a State or county tax, which shall have been legally assessed, shall enjoy the rights of an elector: Provided, if any, in the operation of the system. As to importing votes, several
Mr. DUNLOP stated the provisions of the amendment offered by the gentleman from Chester. That being the state of the question, he said it brought up the whole matter of the tax qualification, and the right of young men to vote. It was his opinion that there were some evils in the present provisions of the Constitution on this subject, and that the property tax, as a qualification for an elector, ought to be taken away. He had come to the conclusion that it would be better for the peace of the community, and for the personal welfare of the voters, to abolish the tax qualification entirely. With regard to the qualification of residence, he was in favour of retaining it—at least to some extent. Ought not some residence to be required? Yes, every man must, of course, be a resident of the district where he votes. But for how long a time? It made little difference, perhaps, whether six months, a year, or two years. But, if we took away the property qualification, we ought to fix upon the longest term of residence. A man who came dodging into the community for a short time, and was then off again, ought not to have the privilege of voting; but he should stay long enough to show his attachment to the community, and to be recognized by the people, as a resident of the district. Six months was too short a time for that. The time should be long enough to show that a man is not a stroller or idler in supporting himself; and that he has a common interest in the welfare of the community. How was it with tax qualifications? Wishing to treat this question fairly, and throwing aside all extraneous considerations, he would ask what it is? It was necessary to exclude improper persons from voting. He contended that there were no poor in Pennsylvania, unless it was those who were sustained as paupers. There was no man in Pennsylvania who would labor that was unable to vote; for all the taxes were imposed in this State according to the means of the individual who paid it. Every man who was able to labor could pay his tax, and become entitled to vote. But still he was opposed to a tax qualification, because he could not but view it as a part of the old fifty acre lot qualification. Why do we require a man to purchase his vote, to pay in dollars and cents for the elective franchise? Was there any difference in receiving payment for a vote, and requiring the possession of property and the payment of taxes, as a preliminary to the exercise of the right? Unless this property qualification was stricken out, his friend from McKean, (Mr. Haught,) who yesterday raised so fine a bridge to land him to his conclusions, would have to take the ferry before he got half way to them. We had heard no reason given why a man should be compelled to pay for his vote in dollars and cents, as if his title to the elective franchise depended upon the accidental possession of a certain amount of property; nor had we heard any reason why the payment of a tax should be considered as affording a sufficient evidence of a permanent interest in the welfare of the community. Was a man's interest in the community where he resided proportional to the amount of his property? Would that principle be sustained by any one here? He was disposed to strike out every thing that looked like a property qualification. He considered residence and occupation as the best evidence of such an interest in the community as entitled a man to take a share in the choice of public officers.

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his neighbours. Two years was not too long a time to require as the evidence of a man's attachment to a place, and his intention to reside in it. Very little complaint had ever been made by the people in the country, of the length of the residence required. There might have been some in the county of Philadelphia; but, perhaps, it arose there from an anxiety to import voters. From what he had heard, he said this without meaning any offence to any body: he believed that both parties, in that county, were sometimes so much interested in the result of their elections, as to introduce persons to the polls, who were not known as residents; but who, by dint of oaths, Waded their way through as qualified voters. Upon these practices, he ought to put a restraint, by requiring a long residence, so that every man, when he came to the polls, could easily be recognized as a resident. He did not deny that, in six months, a man might take much interest in the affairs of any community in which he might settle; but an short a term would offer inducements for emigration into the state, for the very purpose of taking a controlling part in its political affairs. The provision in the proposition of the gentleman from Chester, (Mr. Darlington,) allowing the privilege of suffrage to those qualified voters who removed from the state, and returned to it within a year, he was opposed to, as offering too much encouragement to emigration from the state. He would ask whether it was not better to put trammels on the emigration of our citizens, than to offer any encouragement for it? What was the tax qualification in effect? It was a tax of a fivepenny-bit, the smallest piece of coin known in the state, in any employment, occupation, or property. Was the payment of this tax to confer on a man any additional qualification as a voter? But a property qualification could not be maintained, but at the point of the bayonet, in any free government. It was giving a privilege to the few over the many, that the many would not submit to.

What is the use of this tax qualification? Is it for the purposes of designating the individual? No—it is not only necessary that he is found on the tax list, but he must pay the tax. There may be a poor and honest man, who cannot pay the tax. He is to lose his right to vote, because he is poor and will not sell his vote, when the drunken man rises up to the polls and votes, because his tax is paid by those who have purchased his vote with whiskey! The fact is, the tax qualification is no test of citizenship, no test of discernment, and no test of honesty. But let us look at the evils of the present system. A poor man appears at the polls, and is charged with not paying his tax, and the consequence is wrangling and blows. Every one who had been among the poor people on the election day, knew this to be the fact. There was another difficulty. A man who pays his tax, and takes no receipt, as most men do not, is sometimes placed in an unpleasant situation. He comes to the polls, and, not being known, is called upon to swear that he has paid a tax. He replies that he will rather lose his vote, than swear to the payment of a tax. He may be sure that he has paid the tax, but is fearful that there is something about it that is not right—his memory or the assessment—and he loses his vote; while the unscrupulous man, regardless of truth, or the fears of the consequences of perjury, swears to the payment of his tax. Thus you place the perfidious villain above a conscience gizizen. Is this right? Is it policy? What is the use of it? It has produced more cheating, lying, swearing, and fighting, on the election ground, than anything else. It is the ground of all quarrels, and, if it was abolished, peace and quiet would be found at the elections. He believed that the number of voters would not be much increased, not more than twenty or thirty in a county, while it would serve as many lights, and as many gallons of whiskey. He did not know but, in the city and county of Philadelphia, evils might be experienced by a change; but in the country, where men were virtuous, the increase of voters would be small indeed. There were some judges and inspectors who would not take an oath as evidence of the payment of a tax, and nothing but the receipt. In such cases, the man who lost his receipt lost his vote.

We have heard something of the distinction between the rich and poor,—of the democracy of the poor and the aristocracy of the rich. This was the cry of demagogues, and not of honest men. Look at old Berks, with her rich fat farmers—a county that never wavered in the cause of democracy, but is up to the hilt democratic—what would her rich farmers say if you should call in question her democracy? So old Westmoreland, the Star in the West—are her rich men, her wealthy farmers, anti-democratic? Will gentlemen here make the charge? Was the father of his country, the immortal Washington, who served through the revolutionary war without compensation, less a patriot because he was rich? Who was John Hancock, that signed the Declaration of Independence, as President of the revolutionary Congress? One of the richest men of the day. Who was Caroll? Were not these men democrats? Were they not friends of freedom? Surely these gentlemen will not denounce Van Buren as a federalist, because he is estimated to be worth two hundred thousand dollars! If none but the poor are democrats, what will become of your Ingersolls, your Muhlenberg, and your Keims? It is true, such men are none of your radicals—they are opposed to disturbing the rights of property—they are in favor of quiet, and opposed to throwing all into one mass, and dividing with the idle, the improvident, and vicious; but, nevertheless, they claim to be democrats of the first order. It is nonsense to say that wealth renders a man an enemy to free government. Do we not teach our youth industry and economy? Do we not hold up to them the prize of wealth as worth contending for? Certainly the gentleman from Indiana (Mr. Clarke) has spoken without book, when he tells us that the rich are the enemies of liberty, and the poor are the only true democrats. That gentleman has been in public life a long time: has the receipt of salaries for many years corrupted him? He could not believe it. If the gentleman had continued in office all his life, and accumulated a fortune, he would still be an honest man. He hoped he should hear so much about the rich and the poor, it was unbecoming an honorable man. It might be well enough for the Mr. John Cades in the pursuance of the cities, but not for a member of this Convention. These fellows were for a division of property, because they had none themselves: they were for turmoil and confusion; for setting the poor against the rich; for anarchy and the breaking up of society; because, in the general wreck, they having nothing to lose, but may gain something in the scramble.

He was also opposed to throwing any obstacles in the way of
young men's voting. Men do not reach the age of contrivance and running, until they are forty years old. They generally follow the impulses of honesty and principle, before they are hardened by an intercourse with the world. There was another objection to a tax qualification, and that was in consequence of the assessment. Would you tell a free man, you cannot vote? You have done nothing yourself to prevent your voting, but another man has not put you in his book. He was himself in favor of a registry of votes; but not in favor of leaving it to one man, through neglect or dishonesty, to deprive another of his vote. He was in favor of shortening the time of residence required for a man from another State to vote; but he was not in favor of going to the penitentiaries and poor houses for voters.

Mr. CLARKE, of Indiana, remarked, that every one has seen a kitten playing with a ball. He himself had found an old rat in this Constitution, and had been delighted to find his friend from Franklin also after the old rat. The only fault he found, was, that while he had been watching at the hole, the gentleman from Franklin had been playing with the ball. It sometimes happened that two vessels of the same fleet in chase of a man of war, mistook one of themselves for the enemy, and poured an unlucky broadside into the friendly ship. So it had been with the gentleman from Franklin. He had been firing away at him, while every shot took effect at the gentleman from Lancaster, who first introduced the subject of the rich and the poor. He did not mean to say that the wealthy farmers of Berks, Westmoreland, or any other county, were not democrats, or were not friends of freedom. His remarks were intended for rich bankers, whose books were their bible, and whose God was their money.

Mr. SERGEANT remarked, that it was idle to make a distinction between the vices of the country and the vices of the city. Vices was vice, and virtue was virtue, every where. Where the greatest population existed, there the greatest amount of vice existed; and if the laws which govern every thing were not entirely confounded, there was found the most virtue also. It was unnatural, impolitic, and unjust, to array the country against the city; and also equally so, to array one class of the community against another. It has generally been conceded, that the middling classes, those who are neither oppressed by poverty nor loaded with wealth, are the freest from temptation, and the most industrious, and therefore the most virtuous. The same classes are in the city as well as in the country. But there are also men of the highest grade of virtue, and of the most disinterested benevolence, among the most wealthy of the land. He then mentioned two instances of men, plain in appearance, assuming and retiring in life, who accumulated wealth only for the public benefit. One of them lately died, and left his large fortune, the accumulation of his whole life, amounting to two hundred and fifty thousand dollars, to an institution for the assistance of indigent females. The other left one hundred thousand dollars to the institution for the instruction of the blind. One of them had lived in the city all his life, and the other had his estate in the country. One was an inhabitant of the city, and the other of the country—both were good men—both were benefactors of mankind—both were rich—and both lived only for the poor and unfortunate.

A reason has been given against requiring every one who undertakes to direct the government, to contribute something to the support of this government: that the victim of vice and misfortune, who cannot or will not bear his proportion of the public burdens, ought not to lose his privilege. How does this matter stand? Are we to forget the industrious man who works for a living, and who, besides supporting himself, contributes his little share for the support of government? That man who, besides supporting himself and his family, pays his tax of ten cents, is a meritorious individual, and an independent freeman. Will you take his hard earnings from him, and give it to the improvident, the vicious, and the idle in the poor-house and the penitentiary? This is the argument of those who contend that those who receive the high privilege of an elector, are not bound to contribute any thing for the maintenance of the government.

There was another proposition, and that was, to require no time of residence for a citizen of another State in Pennsylvania. What will be the tendency of such a policy? It will obliterate State pride and State character. If you permit men from other States to come in and vote—you will take away the distinction of States, and produce consolidation.

It was humiliating in a Convention like this, assembled to revise the Constitution of the State, to see attempts to array the poor against the rich, and thus not only injure the poor and make them unhappy, but to take away the incentives to industry, economy, and wealth. Such attempts have a blighting influence upon the prosperity of the Commonwealth. What do we teach our children? When we have nothing better, we put into their hands the sayings of Poor Richard, in order to instil into their minds the principles of economy, and show them the road to wealth, in the plain common sense of Dr. Franklin. When they have followed the lessons we have taught them, and become "wealthy and wise," are they then to be denounced as the enemies of free government? Is the man who, by a long life of honest industry, has succeeded in leaving to his family a competence, to be denounced upon his dying bed as a tyrant, and an enemy to his race? According to Holy Writ, the poor have been placed among us for our sakesto improve our hearts by the exercise of acts of benevolence and kindness. Why then undertake to create a war between them and the rich? Who is to be the gainer—the poor? They will be the sufferers, while that mutual kindness that gives a charm to society is lost. He then noticed several distinguished men, such as John Cabot, who, from a poor blue coat boy, became rich—Dr. Preston and W. Y. Birch, who expended their wealth on public objects, and for the benefit of the poor. He then inquired whether their wealth had harmed any one—while the chambers of distress and the abodes of the poor had been found out, and their inmates relieved?

But who are the poor? The man who rents a farm, and lays up at the end of the year a few dollars, is not poor—he is rich. He is the most happy man in society for happiness does not consist in the amount gained, but in the fact that something is gained. Such a
man is not poor, and ought not to be called so; he is independent, and with him the great interests of the community are safe. But the time may come, when this land may be infested with demagogues. In monarchical governments, the despot never hears the truth. He is surrounded by flatterers, who always fill his ears with fawning adulation. A man who would tell him the plain honest truth, must go out of his presence, and thus he is surrounded by his real enemies, and deserted by those who would be his real friends. This flattery lures on to ruin, and deceives the monarch into false security when he is on the brink of destruction. Who is the monarch in this country? The people— the people are the sovereign. Is there not as much danger of flattering the sovereign here, as elsewhere? Is there not as much danger that the sovereign may be flattered and deceived by demagogues, as in other countries? From the independent farmers who ask no office, who judge men by their measures, and who vote without fear, favor, or affection, we have nothing to fear. But when that class of politicians gain the ascendency, who are constantly fawning and flattering the people for the sake of office, the foundations of our institutions will begin to tremble. The fall, too, of the demagogue, sometimes follows the indignation of a deceived people; and he, too, sometimes finds the chilling blasts of popular displeasure come over him, and in the hour of his adversity he explains, “if I had served my God with the same zeal that I have served my sovereign, he would not have thus forsaken me.”

In conclusion, any one who is to enjoy the right of directing the government, ought to contribute on the same principle, that the members of every family are bound to contribute something to the maintenance of the family. Take the humblest mechanic who pays his small tax of a few cents, and march him up to the polls with the tenant of your poor-house, and a wound is inflicted on the honor, interests, and feelings of that mechanic. He would feel that a wrong was done him. He would not vote to degrade the industrious poor man. He should go for both residence and contribution to the government, to entitle a man to vote at our elections.

Mr. MARTIN was opposed to the amendment, on the ground that a better one could be made. He was astonished to hear, that there was so low a tax—ten cents. In the city and county of Philadelphia, no tax was much less than one dollar. He did not wish to take away entirely the tax qualification. He wished to introduce the liability to pay a tax. He thought that the sum was nothing—for the sum gave no right. He declared himself opposed to an amalgamation of the virtuous and industrious poor, with those who were idle and vicious. He was not in favor of mingling the virtuous poor with vagrants and vagabonds. We should not attempt to leave the standard of industry to the level of idleness. He was opposed to dragging down the laboring classes to the abandoned tenants of the penitentiary, or the vagrants of the streets. We have vagrants, convicts, and vagabonds; and his constituents did not expect that he should vote to make them conqual with the industrious poor. He wished the principle of liability to pay taxes to be put in the Constitution, and then leave it to legislative enactment to carry out the principles.

Before any question was taken, the committee rose, and the Convention adjourned until 4 o'clock.

THE CONVENTION again resolved itself into the committee of the whole, on the third article of the Constitution.

The question again recurring on the amendment of Mr. Darlington of Chester, to the amendment of Mr. Bell,

Mr. HIDDLE said: Mr. Chairman, if I were not greatly deceived, the gentleman in front of me, from Indiana, (Mr. Clarke,) used this morning language substantially to this effect: He had spoken of wealth as an antagonist power, constantly warring against public institutions; and being pressed by the gentleman from Franklin, (Mr. Dunlap,) he rose to disclaim having intended reference to wealthy farmers, who were, he conceded, a meritorious class of the community, and said he referred to bankers and merchants, whose counting-houses were their churches, whose books were their Bibles, and of consequence whose God was wealth. Sir, I heard such sentiments with surprise and with pain. Of our farmers, my inclination and truth both impel me to speak in the most favorable terms. A more intelligent, upright, industrious, and patriotic yeomanry exists no where, than the Pennsylvania farmers. But let me appeal to the farmers, and enquire of them, who enhance the value of your farms, and bear the rich harvests of your fields to foreign climes! The merchants. Who, in return, bring to your doors the merchandise and productions of every part of the world! The merchants. What has created our splendid improvements, our canals, and our rail roads? The spirit of commerce. What, in the darkest hour of our late war, shed a halo over our country, and, in a blaze of glory, effaced the stain of a succession of defeats on land? Our navy, the child of commerce. Who bear a higher character for honor, punctuality, industry, integrity, and enterprise, than the American merchants? None. Who, when in the year 1793, pestilence stalked through the deserted streets of our fair city of Philadelphia, and the hand of death was marked on every door, ministered by the bedside of the suffering and the dying? A Philadelphia merchant. Who was the first to subscribe his name to that declaration which proclaimed to the world, that these States were free, sovereign, and independent—and which pledged life, fortune, and sacred honor, to maintain its principles? John Hancock, an American merchant. Who, when the resources of our country were prostrate, her credit gone, and ruin impending, by his great abilities and patriotism restored confidence, and once more gave a vital impulse to the finances of our country? Robert Morris, a Philadelphia merchant. Who was one of the earliest and most devoted promoters of that great scheme of Christian benevolence, the American Bible Society, which is spreading the Bible and its blessed influence throughout the world? Robert Ralston, a Philadelphia merchant, whose wealth was always freely poured out in dispensing charity, and in sustaining works of benevolence. I might easily swell the catalogue of liberal, munificent, enlightened, patriotic, American merchants. When, as a class, have they ever merited reproach? Never. Stigmatize and degrade the merchant, and what will become of public credit, and how and when will the State debt be paid? Credit, commerce and free institutions, are closely

TUESDAY AFTERNOON, June 30, 1827.
CONVENTION PROCEEDINGS.

CORRECTION.

In the Daily Chronicle of June 10th, Mr. CHANDLER, of Chester, is erroneously reported as voting against the indefinite postponement of the resolution relative to prohibiting the immigration of colored persons into this State. He voted for the postponement, and owing to his absence from this place, had not an opportunity of correcting the error when the proof sheet was laid on his desk.

In the Daily Chronicle of June 20, page 302, in Mr. Mc'Ahern's explanatory remarks, for "spout" read "speak."

(Continued from Tuesday.)

- connected and flourish together. The occasion does not require that I should enlarge my remarks.

- Commerce, the first of human avocations, Unites, enriches, civilizes nations.

- As one of the representatives of a commercial city, and one proud of the unstained character of our merchants, I have felt it my duty to repel the reproach attempted to be cast upon them. If it had been the outpouring of boyish petulance or folly, I might have passed it by unnoticed; but when it gravely fell from one whose age and experience should have taught him wisdom, and who, from his intimate connexion with our great works of improvement, should have been among the last to strike such a blow, I could no longer restrain an honest indignation; and I now pronounce every charge against the patriotism of our merchants a foul calumny.

- Mr. CLINE said that, inasmuch as he expected to be called on solemnly to record his vote on the very important question which had employed the attention of the committee for a considerable length of time, he would take the liberty, very briefly, of giving his reasons for the vote which he was about to give.

- The discussion before the committee seemed to involve the simple question, how far a man is to be permitted to partake of the benefits of society, without being himself willing to contribute to the support of that society? This is at least the most important question on which we are called to decide.

- I shall say nothing about the two propositions; one, offered by the gentleman from Chester, on the other side of the House; and the other offered by the gentleman from Chester, who sits behind me. I will merely remark, that I prefer the proposition of the latter gentleman, inasmuch as it provides for a greater length of time, during which a man must reside in the State before he will be entitled to vote. One year's residence is certainly too short, and, in my estimation, is preferable to that of six months.

- Mr. CLINE proceeded to say, that if we look around us, we shall find that, in all the associations of men, entered into for the purpose of accomplishing any particular object, no member of the association is permitted to exercise an equal influence with the rest, unless he contributes in some degree to the support of such association, and divides with his fellows the responsibility of the expense. Every body knows that it is so in religious societies. No man is permitted to have a voice in the choice of a church minister, unless he is a pew-holder, or unless he has contributed something to the support of the church. So with respect to other institutions which exist in society. A man must first be a stockholder before he will be permitted to vote for the directors of a bank. And the same principle holds with respect to all moral and literary associations.

- Now, on what principle can it be said, that a man has a right to exercise all the privileges of a free citizen, and especially this inestimable right of voting, without being willing at the same time to contribute his support to the body politic? This right cannot be said to exist before a man enters into the social compact. As soon as he does so, there is an implied obligation on his part to share in the burdens of society; and he cannot expect to share its privileges or its blessings, without, at the same time, performing, in good faith, the obligations which that society imposes on him. Government must be supported from some source, and I know of no other means for this purpose, than a resort to taxation. This means has been resorted to by all governments, and I suppose will continue to be resorted to so long as governments shall continue to exist.

- But it has been said, that the legislature may impose taxes, without making such imposition a necessary qualification for voting; and that the payment of a tax is now no more than evidence of qualification, and has nothing in it essentially necessary to constitute a qualified voter. This position I am disposed to controvert. I believe, after all, that there is some good reason for paying taxes, even though which amount to no more than ten or twenty cents; and the best reason in the world is, that government stands in need of support, and can only be effectually supported by taxation.

- But again, sir, we are told that this tax qualification bears oppressively and injuriously on the poorer classes of society, and that it necessarily disfranchises a large portion of our meritorious citizens, whose only fault is that they are poor and unfortunate. But we ought to remember, that few men are really so poor as not to be able to pay the small amount of tax required, except those who have rendered themselves so by their own folly and extravagance. I know
there may be exceptions to this rule, as there are exceptions to all general rules, and these exceptions cannot be provided for in the Constitution. But this is the necessary result of our imperfect institutions. No system of human policy is so perfect as to secure to every individual those rights which, in strict justice, he might be entitled to. We are bound to arrive as near to perfection as possible; but ought not to introduce a general evil, merely because it would be the means of benefiting a few.

Another reason why I would retain the tax qualification is, that I believe it would be essentially beneficial to the poor man himself. It would have a tendency to elevate him in society. It would be an inducement for him to become sober, industrious, and economical. He would feel a pride in paying his tax, and as that would place him on an equality with the rich man, he would feel that he had an equal dignity in the government with his neighbors. We have heard a good deal said about an army of the rich against the poor. I am sorry for it; it should be heard no where, much less should it be heard in this grave Convention. Instead of gentlemen letting themselves down on a level with certain classes of our citizens, they ought to endeavor to elevate those classes on a level with themselves. The course of proceeding may be popular; but is it patriotic? Let us rather endeavor to cultivate the minds of such as seem not properly to appreciate the rights which they ought to exercise. Teach them that their happiness, their welfare in society, their privileges of exercising the rights of citizens, must and ought to depend on their good conduct in society. I shall vote for the amendment offered by the gentleman from Chester, and against the report of the Committee.

Mr. Cox gave his reasons why he should vote against both of the amendments, and for the report of the committee. He did not believe that the payment of a tax gave a man the right to vote. If it did, the exact amount ought to be specified, so that it would be understood how much a man should pay for the right of suffrage. But if the sum was not specified, and the right of suffrage depended upon the tax; then he who paid the largest tax ought to have the largest voice in the government; and, consequently, more votes than one who paid a small tax. This showed the absurdity of the proposition. It was not the tax that gave the right to vote, although the right to a certain amount of taxation that could be imposed. The poor as well as rich were held in bondage; that all men are born free and equal. It was a sound principle; and he hoped that it would ever be adhered to. It is a right guaranteed to us by the establishment of a free government. If the time should ever come, when there should be an attempt to overthrow the government, it might be of great importance, that men of small property should be able to rally in defence of freedom. Suppose that, hereafter, a Convention should be called, who would take away the right of suffrage from all those who did not own 500 dollars, or that no man should vote who had not a freehold estate, would not the principle of a tax qualification be taken as a precedent? Would not the same argument be used, as we have heard on this floor, in favour of this amendment? He was in favour of no distinction between the rich and the poor—no distinction on account of the property any man might possess, and no distinction on account of his ability to pay a tax. A few years ago, a law was passed exempting men from imprisonment for small debts; and the same class of men who were in favour of imprisoning the poor then, are for depriving him of his vote now. It is our duty to make the condition of the poor as good as possible. God knows that they have a hard task enough, in struggle with misfortunes that spring from poverty. They have to bear up against the ills of life, and buffet the cold and unfeeling tempests of the world, unprotected. The rich are surrounded with a panoply of power—for wealth is power. Those who are rich, as well as those who were in middling circumstances, have the power to protect themselves. Look into your courts of justice, and the truth of the remark will be verified. Let the rich man be accused, and brought to the bar of justice, and he will not be accused without reason. Able counsel surrounds him; men dependent upon him sympathize in his behalf, and he will not be excused if he is not guilty; and it is sometimes hard to convict him of guilt. But look at the poor man, without money, friends, or home. He had no doubt, that the members from the city and county of Philadelphia had seen many such instances—look at the poor man at the bar of justice, charged with a petty crime, and there is no one to raise his voice in his defence. He has no money to hire counsel, and if he is persecuted by a rich and unrelenting enemy, his ruin is certain. Are not these things of every day's occurrence? Experience shows that wealth is power, and that the rich have advantages which the poor have not. Besides, it does not always follow, that the poor have done less than the rich to acquire property, or less for the benefit of mankind.

Let the questions at the polls be not, have you paid a tax? but, are you a citizen of the State, or of the United States? Are you liable to military duty? To shoulder arms in defence of our common country? The duty of fighting in defence of the country was a high and important duty, and gave a man higher claims to high privileges than all the taxation that could be imposed. The poor as well as rich were liable to this duty. During the late war—he was too young to know much about it; yet he believed that if a man was called upon to defend the country, he had the privilege of hiring a substitute. The poor man could hire no substitute: when called upon he must go. This was another reason why the tax qualification should be abolished. Again, Mr. Cox said, this theory of tax qualification, of compelling men to contribute to the government before they exercise the right of choosing their rulers, cannot be sustained on any principle of justice or equity. To-day men may be wealthy, and to-morrow in indigence circumstances. The existence of the right of taxation was sufficient to compel the power to tax all men in the community for the support of the government, was all that was necessary. If the assessor passes over a man, it is no reason for depriving him of his vote: his liability to taxation is sufficient to entitle him to the right. In regard to those who were supported at the public charge, in accordance with the hu
mane spirit of our institutions, he could not see that they were entitled, on any principle, to exercise the right of suffrage. Those who had for a long time been confined in the poorhouse, and thereby in a great measure cut off from the community, could know very little of the public interest, and, if they voted at all, would probably vote in accordance with the will of their overseer, who would take them up in a going to the polls for that purpose. Many persons, however, were under the present system, deprived of their votes, who were intelligent, industrious, and honest citizens, by the neglect or refusal of the assessors to tax them. In some towns, the assessors were not in the habit of taxing laborers, on the ground that the occupation was not such as was contemplated by law. These men might be as patriotic as any, and they could not but feel indignant at being excluded from the privilege of voting. Again, it was said that, in some instances, revolutionary soldiers, who were not paupers, had been deprived of their votes. He knew of a case himself wherein a revolutionary soldier, having neither property, profession, nor occupation—nothing by which he could be taxed under the existing law, was debarred from the exercise of the right. On no principle could this man, who fought for the liberties which we enjoy, be deprived, which flew on the brink of the grave, by the laws of that country for which he risked all, of a voice in the elections. He would rather three or four unworthy men should vote, than that one such man should be denied the privilege. He should vote for the report of the committee, with a provision for the exclusion of persons supported at the public charge, and a provision requiring one year's residence, which he thought short enough.

Mr. FULLER said that, with some exceptions, this appeared to be rather a one-sided subject. An object of great importance in the right of suffrage was uniformity; and the question was, whether it would be best effected by citizenship or taxation? With respect to taxation, in what way did that give uniformity to the exercise of the right? Was a man identified with his fellow citizens by paying a tax, or by contributing to the support of the government? There were various ways in which a man could be forced to pay a tax, or to perform a service for the government, without becoming entitled, under the present law, to the right of suffrage. Those who, in any way, contributed to support the government, ought to participate in it. He was disposed to give a man a vote after one year's residence, because he is a man, and not because he is subject to a tax. He was opposed to the amendment, on account of the six months' residence which it proposed. Six months was too short a time. The election in Virginia took place in April, and the citizens of that State bowling on ours might come into Pennsylvania about that time, and yet be entitled to vote at our election in October. This ought to be avoided, if it could be done without any sacrifice of principle; and here was none in saying the time should be six months longer. The advantages of such a provision would greatly overbalance any of the disadvantages that had been pointed out. He repeated that he was opposed to the tax qualification, and in favor of six months' residence. In the Constitutions of Michigan and Arkansas, the two last States which were admitted into the union, citizenship and residence were required, and nothing else. With all the experience of the older States before them, they had thought proper to adopt that policy.

There was a difference in the views which had been brought out in regard to the protection of the poor and the rich. He did not think the gentleman from Indiana (Mr. Clarke) was so much out of the way in saying, that a poor man was better entitled to two votes than a rich man was to his one, because the rich are protected by the influence of wealth. The poor man alone was called to do military duty in time of war, while the rich man provided a substitute, instead of going in person. It is true that the rich man thus discharged his duty; but he considered the mere payment of fines as very inferior in merit to personal service. The poor man, in fact, was deeply interested in the defence and the welfare of his country. To make any distinction, therefore, between the rich and the poor, to the disadvantage of the poor, was highly unwise and improper. It was idle to make any difference between them, for the reason that the poor man of to-day may be rich to-morrow, and those who are rich to-day may to-morrow be poor. We seldom see wealth pass into the second generation; and honesty, industry, and economy are, in this country, a sure road to riches. This would be the case as long as this government endured. Property would be constantly changing hands. No line of distinction was, therefore, to be drawn, and the rights of the poor were never to be lost sight of. There was no danger that the rights of the rich would ever be forgotten; if they were injured, they would make their voices be heard. He would go against this amendment and for the report; but he hoped some alteration would be made in that.

Mr. CLEAVINGER addressed the committee in opposition to the amendment. The right of voting attached as a personal right to an individual consequent upon his becoming a member of our government, and did not depend on the contingency of property, or the payment of a tax. So important a franchise ought not to depend on any thing transient, uncertain, or contingent. Suppose it should become unnecessary or inexpedient to impose any tax on the people—then, according to this provision, the right of suffrage would cease to exist, and there would be an end of the government. Suppose again, that the assessor should refuse or neglect to perform his duty in imposing a tax—then the right of suffrage would, by this omission, cease to that extent. Here was shown that taxation was not sufficiently certain to form a rule for regulating the right of suffrage. For these reasons he was opposed to any property qualification. In regard to residence, he was in favor of such a time as would prevent any fraud, and six months would probably be sufficient for this purpose. He was opposed to extending the right of suffrage to vagrants or paupers. He would take away the tax qualification, and fix the term of residence as short as would be deemed sufficient to prevent fraud, and enable a person to become acquainted with the interests of the country. He would, then, amend the section so as to prevent paupers from voting; but to every bona fide resident he would allow the privilege of voting as a personal right.

Mr. FORWARD said he considered this a vital question, and as no gentleman, at this hour, would attempt to address the Convention, he hoped further time would be taken for its consideration. He moved that the committee rise. Agreed to. The Convention adjourned.
WEDNESDAY, June 21, 1837.

THIRD ARTICLE.

The Convention resumed, in committee of the whole, (Mr. Kern in the Chair,) the consideration of the report of the committee on the third article of the Constitution.

The third article of the Constitution is as follows:

**ARTICLE THIRD.**

**OF ELECTIONS.**

"Sec. 1. In elections by the citizens, every freeman of the age of twenty-one years and upwards, having resided in the State two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the right of an elector: Provided, That the sons of persons qualified as aforesaid, between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes.

"Sec. 2. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote *viva voce.*

"Sec. 3. Electors shall in all cases, except treason, felony, and breach in surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them."

The majority of the committee reported in favor of amending the article as follows:

"Sec. 1. In elections by the citizens, every freeman of the age of twenty-one years and upwards, having resided in the State one year immediately preceding such election, shall be entitled to vote in the county or district in which he shall reside.

"Sec. 2. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote *viva voce.*

"Sec. 3. Electors shall in all cases, except treason, felony, and breach in surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them."

The question being on the amendment of Mr. DARLINGTON to amend the report as follows:

"Having resided in the State one year next before the election, and within that time paid a State or county tax, which shall have been legally assessed, shall enjoy the rights of an elector: Provided, that the sons of persons who are or may have been qualified as aforesaid, between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes. And provided also, that the temporary absence from the State, of any qualified elector, or his actual residence elsewhere, shall not deprive him of his right of suffrage, if such absence and residence shall not have exceeded the term of one year."

[Mr. FORWARD spoke at considerable length: his remarks will appear hereafter.]

Mr. SCOTT followed, and took a view of the question at some length. He considered that it was the duty of every man to contribute to the support of the government; and the foundation of the tax qualification was that it forced every man, the rich and the poor, to discharge his duty to the government under which he lives. He who neglected to pay his share of the public charge, failed of his duty, and, for the time being, was, therefore, deprived of the right to deposit his ballot. When he does vote, he votes as a man and as a resident of the Commonwealth; when he does not vote, it is because he has failed in his duty to the Commonwealth. Was it impolitic to impose this penalty, on the failure to pay any thing towards the support of the government? This, in his opinion, was a matter in which the poor man had a much deeper interest than the rich. Who had the deepest interest in the preservation of the laws? To whom was he equitable administration of good laws so important as to the poor? The rich man, if he finds himself oppr s e i, may depart from the State, with his family and his wealth; but the poor man is fastened to the soil, and, if the government is bad, he must bear the worst of it. He would not break down a principle which bound the rich man to contribute to the public charge in proportion to his wealth, under the penalty of losing his right to vote. What machinery could be contrived so efficient as this for securing a contribution from the rich of a just and equal share to the government? Where, he asked, was the man so poor that he could not, under this system, put himself in an attitude to vote, as well as you, Mr. Chairman? That man, sir, and I am proud to say it, cannot be found in this State, who, by his labor, may not, in a few hours, acquire enough to pay his tax of ten or twenty cents. In a general and long intercourse with men of the humblest classes of labor, he had never met a man who did not pride himself upon his franchises, and upon the foundation of it, his contribution to the support of the government. Never had he heard of any complaint from them, of being obliged to pay a tax as a preliminary to the exercise of the right of a voter. On the contrary, they felt their character elevated by the fact that they voted on the ground with the rest, for the same reason, and with equal right. At the polls, they felt themselves as independent, in the exercise of their right, as the richest man in the community. When they ceased to regard their right of suffrage as the fruit of their labor, they would hold it in much less esteem than they now did. Mr. S. also spoke upon the question of residence, and opposed the proposition to reduce the term to six months.

Mr. PURVIANE said, that he disclaimed any intention in any thing he might say, of creating invidious distinctions, or presenting improper contrasts between the rich and the poor. For the sake of the argument, nothing of the kind was necessary, and he should deprecate here, and elsewhere, any appeal calculated to enlist the poor against the rich. Both these classes of the community, as has been shown by the worthy President of this body, are intimately connected with each other in interest, and occupy a relative position, which cannot, and, if it could, ought not to be severed. In any reference which may be made to the peculiar condition of the poor, he wished it to be clearly understood, that it was because the subject unavoidably led him to do so, and hoped it might not be attributed to any desire to awaken and provoke unhappy prejudices on the part of one class of the community towards another.

He (Mr. P.) was opposed to the amendment and amendment to the amendment offered by the two gentlemen from Chester, (Messrs Bell and Darlington,) and was in favour of the report of the committee, with some slight alteration or additional provision. The article
of the Constitution which has been materially amended by the report of the committee, has been the subject of much complaint—not only in the county which I have the honour to represent, but as it appears from what other gentlemen have said, in other sections of the state. It requires two years' residence and the payment of a state or county tax, which shall have been assessed at least six months previous to the election. By this inflexible provision of the Constitution, a citizen who may have left the state for a short time, to reside in another, and who may, in a month or two, have changed his notion and returned, is necessarily obliged to remain two years without the enjoyment of his former inestimable privilege of election franchise. Another difficulty equally oppressive, in the same provision, is the requisition of assessment six months previous to the election, which puts the rights of our fellow citizens in the hands of assessors, some of whom neglect, and others may wilfully refuse, to make the assessment. He (Mr. P.) knew of cases where assessors had been requested to insert names upon their list; but omitted to do it until it was too late, and thereby prevented citizens from enjoying their much desired privilege. These evils he was anxious to remedy, and believed the report of the committee would answer that end. This report has met with serious opposition from gentlemen, because it proposes to dispense with the tax qualification—a restriction, in his opinion, as unnecessary upon the right of suffrage, as it was unessential for the adoption of the present Constitution. Tax qualification and property representation are relics of governments unfit to be the models of a free republican people, where distinctions do not exist, and where the humblest citizen has equal chance of attaining the highest office and honour of the country. It was doubtless introduced into the Constitution, for the purpose of fixing the residence, and ascertaining the citizenship of the voters; and was thought to be the most practicable mode of obtaining a registry of the resident population. If the object of its introduction into that instrument could be attained by any other mode, gentlemen should be willing to yield to the wishes of the people, in striking out a provision unnecessary and odious in its character. A registry of all the male inhabitants of the state could be had without reference to their property qualification, and less difficulty and excitement would occur at our elections. Sir, said (Mr. P.) returns, such as will remove the excitement and tumult which periodically agitate the country, are such as should first receive the attention of this body. Changes producing wholesome and salutary effects, are most needed and loudest called for. The right to vote is a natural right, and should be unrestrained by any regulation but that of citizenship. It is our birth-right, and should be kept as free as the air we breathe. The lane, the bird, and the holt are equally entitled to the enjoyment of this greatest and best of privileges. But, say the gentleman from the city, (Mr. Scott,) and the gentleman from Bed ford, (Mr. Cline,) in the constitution of society, every member acknowledged the obligation to support the country by the payment of taxes. He (Mr. P.) did not dispute the proposition, but was at a loss to discover its connection with the principle of suffrage. The payment of a tax is a duty every one owes to his country, as long as it may require such support, and a duty from which none can be relieved by any change in the article under consideration. The right of suffrage is a privilege—a natural privilege to which all are entitled, and of which none can be divested. The one is a duty, the other a privilege—the one an obligation to the government, the other an indisputable right, to which no requisite but residence should be prefixed. Why should a man's right to vote be founded upon the payment of a tax? Does money make the mind? Does the payment of a pratey tax clear the judgment, and enable the voter to make a better choice at the polls? Such queries cannot fail to receive a negative answer from every intelligent mind. Let us (said Mr. P.) examine this doctrine of tax qualification further, and see the deplorable extent to which it may be carried. You confer upon your Legislatures for all time to come, the power of saying what the amount of the tax shall be, and to what particular class of citizens it shall apply. Although no such abuse of power has as yet occurred, and under the existing provision of the present Constitution, such abuse might readily happen, and for the time being, no remedy could be applied. Suppose a Legislature should pass a tax law, imposing upon each citizen of the Commonwealth a tax of five dollars for government purposes, and declaring that no county should make an assessment of rates and levies. Under such law as the Constitution now stands, no citizen could exercise his privilege of voting, until he had first paid his tax of five dollars. The power of the Legislature is unlimited in the regulation of taxation, and might be extended to ten, or twenty, or fifty dollars, for the non-payment of which the citizen most inevitably suffer disfranchisement. But further. Suppose the Legislature should declare a certain description of persons alone to be taxable, would it not necessarily follow that all others would be excluded from the right of suffrage, because that right is made to depend upon the payment of a state or county tax?

If farmers were exempt by law from taxation, they would be completely disfranchised, and compelled to relinquish a privilege as dearly cherished, as it is important and intimately connected with their immediate interests. Thus it may be perceived, that this power in the present Constitution, is, to say the least of it, dangerous and alarming in its tendency, and requires at the hands of this body the application of a proper remedy. In striking out the tax qualification, we are not without precedent. Gentlemen have referred to the Constitution of Vermont, and have spoken of the wisdom and excellence of the institutions of that State. In that patriotic little State, so devoted to sound principles, there is no such thing to be found as tax qualification. Where, let me ask, is a more happy and prosperous people to be found? Where a people more ardent in their love of liberty? More virtuous and patriotic? Universal suffrage, universal freedom, and universal happiness pervade this magnificent little State. Will gentlemen, in drawing upon this State as a model in other respects, deny its force in this? The "green mountain boys," identified with the history and glory of our country, have repudiated the doctrine which charges a man with a duty, which he may be unable to perform, before he can obtain a privilege, to which, by nature, all are equally entitled. But is this the only State which is without a tax qualification on the right of suffrage? New-Hampshire, the Granite
State, a people of steady and industrious habits—the birth-place of the lamented Scammel—has refused to tax the inestimable privilege of elective franchise. Are the people on that account less happy, less virtuous, less true and devoted to the institutions of their country? Are they more excited and disturbed by their periodical elections? No State in the Union is more exempt from party conflicts, and none more peaceable and quiet in the management of their governmental affairs. Maryland, the home of the Carrolls and Wirts, by an amendment of her old Constitution of 1776, made in 1801, dispensed with the tax qualification, and required nothing more than a twelve-months' residence in the county. The States of Kentucky, and Tennessee, and Maine, have adopted the same principle. The States of Indiana, Missouri, Mississippi, Alabama, and others, have, in the construction of their fundamental laws, adopted the principle, the rational principle, that votes should depend upon the mind, and not the money of the voter. This principle, in whatever aspect it may be presented, cannot fail to strike the mind as the only rational and proper basis of suffrage qualification.

The gentleman from the city (Mr. Scott) has declared his belief, that we have commenced a new form of the suffrage principle in the wrong place, and has referred to the scenes of excitement which occur in the city as the place necessary to apply the remedy. I deplore the evil referred to as much as that gentleman possibly can; but I cannot believe it falls within the legitimate scope of our conventional duties. The legislation of the country should be brought to bear upon this unhappy state of things; and if I mistake not, a statutory change for the better has been effected in behalf of that gentleman's constituents in the particular referred to, and, with him, I hope the time is not far distant, when the evil will be entirely removed.

That gentleman, (Mr. Scott), in portraying the evils which he supposed might result from a change in the principle of suffrage, has put the case, the inevitable consequence, as he believes, of dispensing with the tax qualification. He was understood to say, that in the registry of citizens, some dishonest assessor or register might put the bitterness of government on his political opponents. This evil so much dreaded by that distinguished gentleman, in my humble opinion, would not be so likely to occur under a system of universal suffrage, as under the present Constitution. Reference has been already made to omissions in the assessment of voters under the existing provisions, and has always proved a source of great, and, I may say, painful excitement.

Much, said Mr. P., has been said on the subject of paupers, vagabonds, and wandering Arabs; and gentlemen have fancied that, by dispensing with the tax qualification, it would admit to the polls hordes of paupers, who, would, in the language of the gentleman from Chester, be led there in regiments; and, when there, be made to vote as the keeper of the poor house might desire. Sir, said Mr. P., this is but a picture of fancy. No high-minded and honorable man, having a regard for his reputation and standing in society, would so far forget himself as to appear in public at the head of a regiment of paupers. There is nothing to apprehend from an occurrence of the kind referred to. The tax qualification is evident in its effects upon a class of citizens upon whom it was certainly not intended to have any operation; I mean the war-worn veteran—the soldier of the revolution, who, by toils and perils, has worn out his existence, and left himself in the possession of nothing but the clear, unclouded judgment and intellect, with which, by the God of nature, he had been endowed; and who, although physically disabled from earning the pittance necessary to purchase his vote, is not the less able to discover the interest and desire the promotion of the happiness of his country. Such a man would seem to receive that small pittance even from the best and nearest friend on earth, to purchase a right and privilege which he had earned by his blood. I shall vote against the amendment to the amendment, although I believe it better than the present constitutional provision, with the hope that if voted down we will have an opportunity of voting directly upon the principle of tax qualification. If a majority should agree to retain it, it should at least be so modified as to prevent abuses by the adoption of a proper mode of assessment.

Mr. BAYNE was not in favor of the amendment, nor of the report of the committee. He was for adhering, with a single exception, to the provisions of the present Constitution. If we admitted persons to a participation in the government without some evidence of his attachment to the welfare of the country, without the acknowledgement of allegiance to the government in some way, we should unhinge the whole system of our government. He was for adhering to the tax qualification as the only means of ascertaining the assent of the voter to the laws of the country, and his disposition to maintain and observe them. The proposition was an auxiliary approach towards the subversion of every principle of the government.

Mr. BROWN, of the county of Philadelphia, thought that the difficulties stated by the gentleman from the city, (Mr. Scott,) as existing in the city of Philadelphia, by which native citizens had been deprived of the right to vote by foreigners—more personal conflicts—are in part from the large number that are brought together to vote, and more, perhaps, from the fact that many native citizens present themselves to vote, and are refused, in consequence of the very obstacles incident to the present requisitions of a tax qualification. So far as the difficulties are brought about by the first cause, the election districts could be made smaller; but this was a subject for legislation, and needed no constitutional provision. If by the latter, they would be remedied by removing all obstructions from its free exercise by those entitled to the right of an elector. The gentleman from the city asks how the government will be supported, if the tax qualification is taken away? And appeals to the farmers if they will not have to bear the whole burden of government. This, Mr. B. said, was an argument for effect elsewhere, and asked if the mechanic's tools or the manufacturer's machinery were not as tangible as land? And if those who might be taxed and who had no property visible, could not be coerced into payment as for other debts? But the gentleman from the city answers this argument himself, by saying the poor man pays his tax, with pride and pleasure. True, said Mr. B., be does—and why does he do it? Not because it entitles him to a vote, but because it is a part of the American character to support the government of his choice. And will he feel any the less pleasure and pride in supporting it, be-
cause he is entitled to citizenship without paying it? Will he not always be as ready to pay for his country, to work for it, and to fight for it, if it remains as now, one that he thinks is worth his support? But does the gentleman mean that any citizen of Pennsylvania is proud of having paid his tax, in consequence of the right it gives him to vote? He, Mr. B., trusted no Pennsylvanian could feel such pride. When he presented himself to vote, he should feel that it was not because he had paid a few cents or a few dollars to support the government, but because he was a citizen; a part of the State itself; one of the intelligent beings that formed the community, and to whom that community was to look for protection; who was at all times ready to assist in its government or its defence. The fact of paying any sum of money neither made him better nor worse; and if the fact of having a receipt for its payment qualified him, then it was the money paid, and not the man, that had the inherent right to vote. This, Mr. B., said, was making the inestimable right of an elector a matter of dollars and cents, and the privilege to exercise it bought like a ticket to see a show, and nearly as cheap.

It is said that the tax qualification is necessary to secure to the honest poor man his vote, and to keep out the vicious vagrants, as they are called. But the gentleman from Franklin (Mr. Duplop) showed clearly, that the tax qualification was calculated to give the preference to the vicious vagrants who were not willing to pay their tax, but who would sell their votes to any political speculator who might pay the tax; while the honest poor man, who, might, from accidental circumstances beyond his control, be unable to pay his tax, and yet too honest to sell his vote for the mere price of having his tax paid. But (said Mr. B.) it is wrong in principle and bad in practice; and he hoped it would be rejected altogether.

Mr. B. said the opponents of a tax qualification had been charged with advancing incendiary doctrines. But they had only attempted to obtain what had been already adopted by fourteen States of this Union. They wanted to try no new theory, but to adopt for Pennsylvania what had been found good in other States, and what they believed a majority of her citizens would approve. In requiring a shorter residence than two years, they had acted on the same principle. Eight States required but six months, or less, and twelve others only one year; and he thought Pennsylvania ought to be as liberal in her institutions as any other State. We ought to require no longer residence than was necessary to obtain a sufficient knowledge of our men and our institutions to exercise the right properly. There was no principle in this—it was a matter of opinion, and he thought six months was long enough. Any one who could, in this period, obtain the necessary information would not be likely to obtain it in six years. Mr. B. said the friends of these extensions of the right of suffrage had been denounced for making distinctions between the rich and the poor. But he would say, that he (Mr. B.) had not said pay thing more than what had just been urged by the gentleman from the city. (Mr. Scott,) and he would not be charged with holding radical, or levelling doctrines. He (Mr. Scott) said the poor man had a greater interest in the government than the rich man, as the latter could take his property and remove to another State or country, while the poor man could not removed. This was the position Mr. B. said he had assumed, and he hoped that the knowledge of that interest would induce gentlemen to trust to their participation in a government in which they had so great an interest without any further exception. The opponents of the tax qualification did not wish to extend the rights of an elector to any person to whom that right was not by the present Constitution acknowledged—they only wished to remove the obstacles that experience had shown might be, and had been placed in the way of the enjoyment of that right. It had been said by several gentlemen that we are about to open our polls to vagrants, paupers, and convicts; but no one had asked to have any such power recognised any otherwise than they were at present. The friends of reform, therefore, did not wish, in this respect, to extend the rights of suffrage, but to have it more firmly secured to those who were now entitled to its enjoyment.

Mr. M'Dowell said he had some difficulty in understanding the legitimate subject of debate, in consequence of the two amendments submitted by the respective gentlemen from the county of Chester, the general features of which were so little dissimilar. He presumed, however, that the whole subject was open, as well the report of a majority of the committee, as the amendments. He did not know whether he should vote for the amendments or not—he had not examined them in all their bearings; but he had no difficulty in coming to a conclusion upon the report of the committee. The tendency of his mind was positive and direct. He could not for one moment give his sanction to such a report. Sir, what is it? Every freeman of this Commonwealth, who has resided therein one year, shall be entitled to vote. This is, in substance, the report. Did the respectable committee who made it, anticipate and weigh all its consequences? Is there any member of this body willing to have it incorporated into the Constitution, unaltered and unamended? He was not a little surprised that such a report should have been submitted, and this Convention gravely asked to make it the fundamental law of the land, and that inestimable right of freemen, the right of suffrage, made to depend upon it. Sir, said he, we are to take this report as a whole, and consider it in the light of a constitutional provision which is to regulate and govern the elective franchise for ages to come. We are asked that it shall be the law of the land. Let us for a moment examine its provisions.

Every citizen of this Commonwealth who is a freeman, is entitled to vote. Every man who comes from another State, and resides here one year, is a citizen. All foreigners who have been naturalized in any of the States of the Union, and resided in this State one year, are citizens of this State. Sir, who are the freemen of this Commonwealth? The learned gentleman from the county of Philadelphia (Mr. Doran), asked the other day, who or what a pauper was? He (Mr. M'Dowell) felt mischievously inclined at the time, to call upon that gentleman to define a freeman. In a moral point of view, it might puzzle that or any other gentleman to say, who were free and who were not politically. he was certain the inquiry would end in perplexity. But, sir, the present inquiry is into constitutional and legal freedom. Who is a freeman according to the Constitution and laws of Pennsylvania? Sir, every human being (except slaves), who is born or lives in this State, is a freeman ; consequently every
I don't stop here— the penal institutions and cutthroat prisons are to be opened— feeling of the government— to elevate its tone and character. But...

Adopt the report of the committee, and these things will all happen—their occurrence is constitutionally provided for, and no human power, while that Constitution remains, can interpose to prevent it.

I know, Mr. Chairman, said he, this is a delicate subject—there is so much love for the dear people, in and out of this Convention, since I came here. It seems to be matter of strife who can say most pretty things about the people—the dear people. I suppose it is all genuine. The rich and the poor have been dragged into the discussions, and some of the gentlemen seem to think, that government is only instituted for the benefit of the poor. I should be very glad if my venerable friend from Indiana (Mr. Clarke) would carry out his project of procuring four votes for every poor man; the probability is, that at least three of them would fall to my lot. There are rich men it is true, and there are poor men, and there are good and bad of both kinds. There are some very honest, liberal men among the rich, and some great scoundrels no doubt, and much ill-gotten gains.

There are many honest, sound-hearted, industrious men among the poor, very, very many have become indigent through Vice and crime. But, sir, neither the rich nor the poor, have any exclusive claims upon this Convention, and this incessant cant about the rich—the poor— the people—is liable to great distrust. I do not believe all I see nor all I hear in this world, sir. At all events, let not this profane language for the people—this ranting about the poor and the rich, aberate us into weakness and folly. Let us not forget the purpose of our assembling—the high and noble duties we ought to perform—the purity of motive and soundness of judgment which ought to govern us. God knows, sir, said he, I am the last man that ought to abridge the liberties and rights of the poor man; and if I know myself, I am the last that would do so. But, sir, there are other ingredients that lay at the foundation of our government, than popular representation—a free negro is the freest man on earth—his is freedom, and so they ought to have. But let us carry the examination a little further and see how it operates. Every worthy and every worthless negro in the Commonwealth is entitled to vote without inquiry or restraint. Was he right in his construction of the report? If a negro is a human being, then he is a freeman, and a citizen, and is entitled to vote. Sir, is it not so? A free negro is the freest man on earth—his is freedom, unimpeded and irresponsible—unmixed with rational interventions or constitutional limitations. Are we seriously asked thus to enlarge the ballot boxes? He did not deny the right of a negro to vote under the present Constitution, if he brought himself within its provisions—was assessed and paid his tax. He believed he had the abstract right to do so. But under the present Constitution few colored men exercised the right of suffrage in the State: in his county a few voted: in many places they were restrained by public opinion or public prejudice. In the present state of their mental and moral condition, it was, perhaps, best so. But, sir, are all the negroes in this Commonwealth to be turned loose upon us on election days—the five thousand in the city and county of Philadelphia, and ten thousand elsewhere! Adopt the report of the committee, and every negro in the State, worthy and worthless—degraded and debased as nine-tenths of them are, will rush to the polls in senseless and unmeaning triumph. The chimney-sweep and the boot-black will eat the fruits of liberty with the virtuous mechanic, laboring man, farmer, and merchant—the master and the man contend for victory at the same poll.

And who shall sway this state of things? Adopt the report of the committee, and no man would dare to question the right of any negro to vote. Sir, said he, is not this a highly coloured illustration of the beauty and perfectability of universal suffrage? But we do not stop here—the penitentiaries and county prisons are to be opened, and the felon and the traitor to his country, who escapes from the prison walls in the morning walks to the poll before night, and votes, because he is a freeman, and because his imprisonment prevented him from flying from crime, and compelled him to remain a citizen. The man who violates all law, and the seditionists in that violation—he who plies treason against the State, and seeks but the opportunity to destroy it, is to enjoy, undiminished and without interregnum, the elective franchise. The almshouses, too, are to yield up their decrepit and unfortunate inmates—and paupers, publicly charged upon the county, and dependent entirely upon the benevolence of government for subsistence, are to be permitted to direct and perhaps control, by their votes, the measure of the charity that sustains them! Adopt the report of the committee, and these things will all happen—their occurrence is constitutionally provided for, and no human power, while that Constitution remains, can interpose to prevent it.

I know, Mr. Chairman, said he, this is a delicate subject—there is so much love for the dear people, in and out of this Convention, who has resided here one year is a citizen and a freeman, and entitled to vote, according to the report of the committee. Foreigners are freemen, but they are not citizens till they become naturalized. When naturalized, they have the same rights as native born citizens: and so they ought to have. But let us carry the examination a little further and see how it operates. Every worthy and every worthless negro in the Commonwealth is entitled to vote without inquiry or restraint. Was he right in his construction of the report? If a negro is a human being, and not a slave, then he is a freeman and a citizen, and is entitled to vote. Sir, is it not so? A free negro is the freest man on earth—his is freedom, unimpeded and irresponsible—unmixed with rational interventions or constitutional limitations. Are we seriously asked thus to enlarge the ballot boxes? He did not deny the right of a negro to vote under the present Constitution, if he brought himself within its provisions—was assessed and paid his tax. He believed he had the abstract right to do so. But under the present Constitution few colored men exercised the right of suffrage in the State: in his county a few voted: in many places they were restrained by public opinion or public prejudice. In the present state of their mental and moral condition, it was, perhaps, best so. But, sir, are all the negroes in this Commonwealth to be turned loose upon us on election days—the five thousand in the city and county of Philadelphia, and ten thousand elsewhere! Adopt the report of the committee, and every negro in the State, worthy and worthless—degraded and debased as nine-tenths of them are, will rush to the polls in senseless and unmeaning triumph. The chimney-sweep and the boot-black will eat the fruits of liberty with the virtuous mechanic, laboring man, farmer, and merchant—the master and the man contend for victory at the same poll.

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CONVENTION PROCEEDINGS.

(Continued from Wednesday.)

of a duty he has performed to that government which cherishes and
protects him. Besides, sir, it encourages virtue, it enjoins industry,
it promotes patriotism, it lightens an ambition to do that which secures a
high honor. It deprives no poor man of a vote who deserves, or
tries to deserve it. It is true, sir, there is one class of poor men up
whom it may operate oppressively, and may exclude them from
this inestimable right. The gentleman from the county of Philadel-
phia, (Mr. Earle,) who has studied more reform, and knows more of
the rights and wants of the people, than any man in this Convention
or out of it, has his eye upon this class; and, therefore, his notion of
universal suffrage is, that a man should vote because he is a man
and not a beast. I mean, Mr. Chairman, a class of beings that they have
in large numbers in the city and county of Philadelphia, and of which
a few, very few, may be found in all parts of the State: I mean, sir,
shagbobs—men who have neither home nor country—who desire
none, and delight in the privation; who eschew government and law
as an evil, and an encroachment upon their liberties; who prowl and
proliferate by night when honest men sleep; who lodge in beds of
ashes and charcoals and shake themselves like other lazy dogs when
they get up—men, some of whom commit crimes for the sake of plunder,
and others that they may obtain the luxuries of the watch-box,
the prison, or the almshouse, as matters of choice.

Mr. Chairman, said he, although I am for retaining the tax quali-
fication, it is not for the amount of tax I do so. It is principally
because I believe that the assessment and payment of a tax, however
small, is the best and most simple evidence of a man's residence and
right to vote. I am therefore for simplifying and reducing the asses-
smment and tax as much as possible, so as to render the process prac-
ticable and accessible to all. I would deprive no man of his
vote, because the assessor had neglected or omitted to perform his du-
y; but I would endeavor to impress upon the voter the necessity
of feeling sufficient interest in the right of suffrage, as to place it out of
power of an assessor to defeat him. Sir, said he, these are my rea-
sons for opposing the report of the committee. I believe the opera-
ton of it would prostitute and degrade the right of suffrage—that it
would tend to fraud and licentiousness.

Mr. Hastings, of Jefferson, spoke as follows:—As I have not
been troublesome hitherto, I will ask the attention and indulgence
of this committee for a few minutes, while I as briefly as possible try

To explain my views on the very important subject now before them,
I am opposed to the amendment offered by the gentleman from Ches-
ter on my right, and if that proposition should be negatived, I shall
then ask for a division on the question of the amendment of the gen-
tleman from Chester on my left, (to end with inserting six months
in lieu of one year's residence.) In that part of his amendment, I
will go with him. I am in favor, sir, of coming as near as may be to
the system of universal suffrage. A residence in the State for six
months by a naturalized, or a native born citizen of the United States,
and of right, ought to be, a sufficient qualification for an elector.
I am for expunging from the Constitution that aristocratical feature
of tax qualification. I am for retaining, and cherishing, and observing,
and keeping inviolate that salutary and so appropriately inscribed in
our bill of rights, that all men are born equally free and independent,
that all power is inherent in the people. I desire to see that principle
carried into full effect. You know, Mr. Chairman, and every member of this committee, I think, can, or ought to respond to
the well known fact, that many, very many intelligent poor men,
are deprived of the right of suffrage for no other reason, than that
they have been unfortunate, and have now no property to tax—or
that the assessors have either designedly or otherwise neglected to
assess them. It has been argued here, that to take away the tax quali-
fication, would open the door for paupers and vagabonds to en-
joy the right of suffrage—be it so; I go upon the well known max-
imum, that it is better that poor guilty persons should go unpunished,
than that an innocent man should suffer. Sir, retain the tax qualifi-
cation, and you are virtually saying to the unfortunate poor man—we
are willing that you shall perform military duty—we are willing
that you shall be dragged forth to fight our battles—we are willing
that you shall spill your blood in defence of our sacred rights—but
you shall have no voice in our councils; we will not allow you the
right solemnly guaranteed to you in another part of this Constitution.

Sir, as the principle has (on a former occasion), been sanctioned
on this floor, that the basis of representation should be founded
on population, and on that occasion it was clearly shown, that in the
cities and counties, many hundreds of inhabitants were taken into
that enumeration, who were not allowed to vote. Sir, if you retain
the tax qualification, you are saying to those men, we want to make
use of you to increase our representation in the halls of legislation;
but we do not want your votes; you shall have no voice in saying
who shall represent you. I hope the amendment to the amendment
will be negatived, and that the latter part of the amendment, offered
by the gentleman from Chester on my left, will also be negatived.

Mr. Dickey said that, before the vote was taken, he would
bring into the view of the committee an amendment which he should offer, in case the amendment should not prevail. He should not vote for the report of the committee, unless it was amended. He was opposed to the tax qualification as unnecessary, and contrary to the principles and genius of our government. It seemed that the advocates of retaining this qualification had abandoned the ground that it was necessary to identify the voter. He agreed with the gentleman from Allegheny, (Mr. Forward,) that a registry of voters was all that was wanted. He believed that the requirement of the payment of a tax before a freeman could exercise the right of suffrage, was a violation of the principles laid down in the bill of rights.

He then brought into the view of the committee the following amendment:

1. In section 1, to strike out "county," and insert "township, ward, or," and to add to the end the words "not elsewhere," so as to confine the voter to the township, ward, or district, in which he resides.

2. To add a new section:

Section. Laws may be passed excluding from the right of suffrage persons who have been, or may be, convicted of infamous crimes. Laws shall be passed for ascertaining, by proper process, the citizens who shall be entitled to the right of suffrage hereby established; and the Legislature shall provide, by law, that a register of all citizens entitled to the right of suffrage in every election district or ward, shall be made at least twenty days before any election, and shall provide that no person shall vote at any election, who shall not be registered as a citizen qualified to vote at such election.

Mr. STEVENS said that he rose to suggest to the gentleman from Western (Mr. Darlington) a proposition, which he believed would do away with some of the objections which had been raised against the amendment, and hoped the gentleman would adopt it as a modification. He then read the following:

"In elections by the citizens, every freeman of the age of twenty-one years, having resided in the State one year, or if he has been previously a qualified elector of this State six months, and having paid a State or county tax in this Commonwealth within two years next before the election, shall enjoy the right of an elector, provided all citizens between the ages of twenty-one and twenty-two years, having resided in the State one year next before the election, shall be entitled to vote, although they shall not have paid taxes."

Mr. DARLINGTON said, that as he was anxious to preserve the tax qualification, and to fix the residence at one year, and as the suggestion of the gentleman from Adams did this, he would accept it as a modification of his amendment. In doing this, he hoped that all those who approved of the main principle in the amendment would vote for it. If there were any thing objectionable in any particular part, it could afterwards be amended. Those who approved of the tax qualification, and not the year's residence; and those who were in favor of a year's residence, but were opposed to the tax qualification, would call for a division of the question, and thus obtain their ends.

The gentlemen from Allegheny, Somerset, and Beaver, who are in favor of a registry of voters, will be found in the end, not differing with the friends of the amendment. The registry, he believed, would be found inconvenient in the country, where the population was sparse, however well it might be suited to the dense population of the cities. He therefore believed a registry would not be adopted; and if it was not, he thought its friends would support the amendment.

His colleague (Mr. Bell) had endeavored to convince the committee that one year's residence was equivalent to eighteen months, in consequence of the practice of moving on the 1st of April. He thought that no considerable number of farmers come, on the 1st of April, into Pennsylvania to rent farms; but if there was, there were other elections besides those in the fall; and if there were not, he thought a citizen of another State would feel no great hardship by waiting one year before he exercised the right of voting at our elections. For his part, he did not put the tax on the ground of evidence, but on the principle of reciprocity, that every one who undertakes to direct the affairs of the government must give something to its support. No man allowed a stranger to come into his family and direct its affairs; and no stranger should be allowed to come into any community and dictate without paying his taxes, and bringing something to the support of that community. But it has been said that the poor men, those that pay no taxes, are obliged to bear arms in defence of the country. But do not the tax payers bear arms! He bears arms and pays the tax also. He also pays a tax in time of peace to support him in the poor house, if his imprisonment or his vice have brought him there; so that if there is any inequality in the public burdens, it falls upon the tax payer.

But it is said that there are 14 States which have no tax qualification. In one of them, Tennessee, there is a property qualification instead of a tax. Was the committee in favor of a property qualification? He denied that a tax and property qualification were the same in principle. A tax qualification made no distinction on account of wealth, and excluded no man from the polls who desired to vote. But it has also been said that a man should pay taxes, but that taxes should not be a prerequisite. Such an obligation on some men would amount to nothing. You might pass laws to incapacitate the body, and it will be of no avail. What cares that man who will not save the small sum of a few cents to pay his tax, whether he is imprisoned or not? He will be supported in prison at the public expense, and he feels as contented there as elsewhere.

Mr. DORAN asked whether, by the term "American citizen," it was meant by the amendment to place the "American" negro above the naturalized citizen.

Mr. STEVENS replied that every citizen, whether native born or naturalized, was an American citizen.

Mr. DARLINGTON modified his amendment by striking out "American."
into Pennsylvania with the intention of residing there, shall be entitled to vote? Why shall a deep broad line be drawn between the citizens of one State and another? Why, through a mistaken State pride, shall we insist upon a difference between those who are the inhabitants of the United States, but who live on different sides of the boundaries of our State? Why say that there is a great gulf between them and us? Are the farmers who inhabit the plains of New Jersey, or the sands of Delaware, not able to remove a short distance into Pennsylvania without losing their votes? There was no reason for making this difference between the citizens of the same Union.

Why is it necessary to require residence at all? It is not a qualification, but an evidence that the individual has become a part and parcel of the community. Now, if other evidence was better, it ought to be accepted, and no longer residence should be required than was necessary as evidence of this fact. Will any one suppose that men will cut themselves loose from their homes, and take up their residence for a term of six months in another State, for the mere purpose of influencing an election? It was time to rid ourselves of the old prejudices that existed at the formation of the Federal Constitution. The old articles of confederation were formed when the jealousies that existed among the colonies were in full force. It was on this account that the articles of the old confederation failed in their object. At the adoption of the Constitution, it required all the exertions and all the eloquence of the patriotic men of that time to form a Constitution, in consequence of the local prejudices that existed among the States. A sentiment of these old prejudices still remained, and was the cause of the principle contained in the amendment of his colleague. It was time now to give it up. It is time for the citizens of all the States to look upon one another as citizens of one great republic—to look to the flag of stripes and stars as the common emblem of our national greatness and our national union.

Why, then, shall we require more than six months' residence, for a man to enjoy the rights of a freeman, who comes from a sister State, arriving as with an intention of becoming a Pennsylvanian? He had shown that a residence of a year was equivalent to eighteen months, as the agricultural population commenced their year's residence on the first of April. If, therefore, they are obliged to wait one year, they would lose their votes. Could any gentleman give a reason, why a man who lived near the line, and moved over into Pennsylvania, should be obliged to wait eighteen months before he could vote; whilst a man born in Pennsylvania, and living out of the State for forty years, would have the privilege of voting, by a residence of six months! There should be no such difference, and he hoped that no such would be made by the committee.

Mr. STEVIGHER remarked that the gentleman from Chester (Mr. Bell) held his seat in the Convention, by the votes of the county which he represented. He wished, therefore, to say that the people of the county of Montgomery were not in favor of permitting the people of other States to vote at our elections on a six months' residence. It was not sufficient, that some would be obliged to wait eighteen months before they could vote, for us to permit them to vote at the end of six months. Pennsylvania was an old State, her population was dense, and her territory was filled up. We were not like the people of Wisconsin, anxious to invite emigrants from other States. Our policy was different from that of a new State—we do not so much wish to invite emigration, that we are ready to give up the rights of our native born citizens. A man from another State was always at first looked upon as an intruder. His character was unknown, and he should be obliged to sow and reap, to see the operation of our laws, and learn our politics, before he undertakes to take a part in the government. If we depart from this rule, and allow a man who has been here only six months to vote, we can go a step further, and make only one day's residence necessary, and then the people of other States can come here, control our elections, and then return again. He did not believe the people of Pennsylvania were in favor of such a provision in their Constitution. The gentleman from Allegheny (Mr. Forward) has blown, sky high, the idea of a universal suffrage as a natural right. The question of suffrage was a matter of regulation, and not of right. If the right of suffrage is a natural right, it cannot be confined to age, sex, or color.

He rose to protest against the views of the gentleman from Chester (Mr. Bell) being considered as the views of the people of Montgomery county. In that county, he had never heard a man say that there should be no tax. He hoped that there would be an amendment, so as to include a township tax, as he could see no reason why it should not be included.

Mr. BONHAM said that it would be improper to fix the time of residence at the short period of six months. He would mention one circumstance which had not been adverted to. In Virginia, the elections were held in April for members of Congress, and in Pennsylvania in October, and a man might vote for members of Congress in Virginia, and come into Pennsylvania and vote in six months for members of Congress in Pennsylvania. Six months' residence, he thought, too short. He thought that the door should not be thrown open to every wandering voter, that might come along, to vote. It could not be a very great hardship for a man from another State to wait a year before he voted. No one should vote who had not time to become acquainted with our institutions.

Mr. FLEMING replied to the argument, that it was useless to allow a man to vote on a six months' residence, when a tax could not be assessed, so as to give that right. He said that by the existing laws, a man could be assessed in April and vote in October, although they could not under the old law.

Mr. SMYTH, of Centre, said that he had not met with a more difficult question since the meeting of the Convention. He had never heard any complaint among the people in reference to the payment of a tax, while much dissatisfaction had been expressed in reference to the neglect of the assessors. The poor man, who was obliged to change his place of residence, had frequently been neglected. The people of Centre county considered it no burden to pay taxes to support the government. They were ready to support and defend the country, and the records in the public offices would show that. He believed that a tax qualification, properly regulated, was better than a registry of votes, as it was more convenient; but the residence ought to be short.

Mr. MERRILL found fault with the amendment, because it only
required a year's residence in the State. He thought that a residence ought to be required in the district where the vote was to be given. It was then an evidence of the man's being a citizen. The payment of a tax would not do this. A man might present himself at the polls in Union county, with a receipt of a tax paid in Erie county. How is the public to know whether it is not forged? The man is put upon his oath—and if he has committed forgery, he will add to it perjury—and you have a fraudulent vote to control, or influence your elections. Let the residence be in the election district, and if it is a short residence, the man is known, and the fraud is prevented. The elections were free and equal only in proportion to the lawfulness of the votes polled. Every man who voted without right took from those who have the right. Let us look at the evils of illegal votes. In one county, the representatives have, for the last three years, been elected by fourteen votes and less. The greatest majority has been, but fourteen. Here is a temptation to perpetrate fraud; and if the door is left open, fourteen votes can be obtained to defeat the will of the county. Perhaps it may defeat the will of a majority of the State, and, by turning the scale in the Legislature, pass laws, and change the whole policy of the Commonwealth. It cared nothing about a tax qualification, if residence in the district, or something which would be evidence, was required.

The committee then arose, and the Convention adjourned.

WEDNESDAY AFTERNOON, June 21, 1837.

The Convention again separated into committees of the whole (Mr. KERR, in the Chair,) on the report of the committee on the third article of the Constitution.

The question recurring on the amendment of Mr. DARLINGTON, Mr. HAYHURST addressed the committee as follows: Mr. Chairman—I am opposed to the tax qualification as a qualification for voting, because I do not believe that the payment makes a man more wise or more honest; but I am, nevertheless, willing to vote at present for the amendment offered by the gentlemen from Chester, as modified at the suggestion of the gentlemen from Adams. I do so, however, under the impression that the same can be an amended and modified as to be more liberal and comprehensive in its terms. If it should not be so modified, I now reserve my right to vote against the section as amended.

Sir, I am prepared to vote for the assessment of taxes, not as a matter of principle, but simply as a matter of practical convenience. It is necessary in the management of the affairs of society to proceed methodically—and not at random, as savages do. That method which assures each person in possession of his rights, with the least trouble and expense, is best. It is necessary that each vote should be easily able to convince that election officers of his residence and his right to vote. For this purpose, I see no more convenient method than the usual assessment. The township or ward assessor returns his annual list to the county commissioners' office, from whence an official copy is transmitted to each election district, and thus, without any expense or trouble to individuals, a registry is furnished.

Now, sir, the assessment being made and returned, furnishes the evidence of residence, and, as such, is all I desire; but I am still willing to go a little further. The record is the assertion of the assessor, that a certain citizen is a resident of a certain district, and I am willing that the citizen so resident may affirm that declaration, by some act of his, however trifling that act may be.

If you provide for a register of voters in some other manner, it will increase the machinery of government, and be burdensome rather than beneficial to the poor man; because, if he reside four or five miles from the register, it will consume half a day to go to and return from that officer, which loss of time will exceed the amount of tax proposed to be imposed. Therefore, as a matter of convenience, it is better to allow the assessor to make the requisite record of residence as herefore.

But I wish the plan now under consideration to be made more liberal, and if this be not done, I possibly may vote against the section as amended, either now or on second reading.

As the record made by the assessor is essentially what is desired, I conceive the least possible addition to it is all that ought to be required. The assessment of county tax is the root of all other taxes; and, therefore, the payment of either road tax, poor tax, or any other public contribution of that nature, ought to confer a right of suffrage, because the payment of the one signifies the acquiescence of the individual in the record of the assessor as well as the other. It will be a relief, and have a tendency to extend the right of suffrage, to permit persons to vote on having paid poor tax, road tax, or having wrought on the highways; because some men are unable at the moment to discharge their county tax, who have paid one or other of the minor taxes.

Poor tax is usually about one fourth of the county ratio, and consequently the man who pays ten cents county, will pay two and a half cents poor tax, and thus he can, if unable to pay more, secure his vote by paying less than three cents.

As the poor rate is less expense than any other mode of proving his residence, I conceive it would be beneficial to adopt it as the qualification—if, however, that proposition be not introduced, I still conclude to vote against the amendment.

Mr. FARRELLY was opposed to the tax qualification, and, as at present advised, also to a registry of votes. Who are entitled to vote? And what entitles a freeman to vote? We have been told, that it is no right, except that which is derived from the government. This cannot be true. The right to vote is a personal right, and belongs to the man. The only questions are, are you a citizen? Do you belong to the community? These are the only questions. Then it is our business to prescribe how these facts shall be ascertained. He thought the best way was, by requiring a year's residence. A year is a time when things come round to their beginnings. It was the period in which almost every thing begins and ends, and I was therefore the best time of residence to require in the Constitution, for a man to become a citizen. But if taxation is made the evidence of citizenship, it will vary the right of suffrage, and in the right there should be no variation. By the present law, there was
Mr. DICKEY cautioned gentlemen who were opposed to the tax qualification, not to be led astray by the amendment of the gentleman from Chester, (Mr. Darlington,) as now modified. It was best to vote down these amendments, although they might contain some provisions which were good. It was best first to settle the question in reference to the tax, and when this tax qualification is voted down, a registry of votes can be established, or some other mode which will carry out the principle.

Mr. EARLE said that if we are to have a property qualification, and wealth is to govern instead of numbers, then the time of ought to be reduced. The gentleman from York had made an argument which he considered fallacious; and that was, that a citizen of Virginia, after having voted for a member of congress, could come into Pennsylvania, and vote for member of the same congress here. The gentleman was mistaken; for, instead of our elections for congress being six months earlier, they were six months later than in Virginia.

This preventing the emigrants of other states from voting, was contrary to the spirit of the Constitution of the U.S. which declares that the citizens of one state migrating to another shall enjoy all the privileges which the citizens of that other state enjoy. Ought not the Constitution of the Union to be regarded? We all belong to one nation, and ought not to be deprived of our privileges by a mere change of place. But it is said that those who migrate know the disabilities they incur before they come here. Does this knowledge take away their rights? Much complaint had been made in reference to the introduction of the old question between the rich and the poor. Who introduced that question? It came from the other side of the house.

It was a question that had been agitated from the time that men began to know their rights. In the ancient republics, it was a subject of controversy, and it is now the subject of controversy in Europe. It comes not from the poor—it comes from those who wish to exclude them from any participation in the government, except the payment of taxes. In all governments, a portion of the rich endeavour to tax the poor for their benefit, and this creates the controversy. Once in England, Mr. Fox, who was prime minister, imposed a tax upon incomes. This would affect the rich, and the consequence was, that as the poor were unrepresented, he was turned out of office. In the

Convention which assembled a few years ago to amend the Constitution of Massachusetts, a leading member advocated a representation on the basis of property instead of population, and since that time has made a speech against exciting the poor against the rich. One gentleman in this Convention says, that the middling classes are the most virtuous. But what is the conclusion? Why, the rich as well as the middling classes are to vote, and the poor are to be deprived of the privilege. It sometimes happens that a poor man may be industrious—he may be a great producer, and yet from misfortune, become poor when he is old. He may all his life long have laboured hard, paid his rent, supported a large family, paid his taxes until age and infirmity have come upon him, and then perhaps he becomes unable—he may be deprived of his vote, when the man who inherited an estate, obtained by the sweat of the poor man's brow, and who never earned a dollar in his life, is permitted to vote? The taxes are paid in the end by the industrious man, and by him alone. When a factory is set up, the taxes are paid; first, by the man who carries it on; he puts a profit on to cover the taxes, and thus shifts them off on to the purchasers of his goods—the purchaser charges an additional sum for what is purchased of him, and shifts it upon others, until at last it ends upon the producer. Thus it is the industrious man pays the whole—the idle produce nothing and pay nothing.

One gentleman has said, if you dispense with the tax qualification, the voters will be purchased, and his remedy for corruption is a six cent tax. This is no remedy. The only way to prevent corruption is to open the door of suffrage so wide, that all can vote, and fix the salaries, so there will be no object to corruption. It is also said, that if you bring such men round the polls, that the aged and infirm will be kept from voting in the city of Philadelphia. If the districts are too large, there will be no danger to the aged. There have been several attempts to get the city of Philadelphia and Spring Garden divided into small districts; but it has always been opposed by the political friends of the other side of the House. The gentleman from Bucks (Mr. M'Dowell) says, that the payment of a tax is evidence of adhesion to the government. This is not so, for the tax is compulsory. The best evidence of adhesion to the government is the act of voting. But it is said that there is a class of vagrants who do not understand their rights. The only way to elevate the people is to give them the right of suffrage. For his part, he would give a cat or a dog the right of choosing their masters, if they were capable of exercising it understandingly. He had been greatly pained to see horses abused on the public works, and thought that there should be some redress for such cruelty.

Some men were very democratic before an election, but forget all their democracy afterwards. He believed that democracy ought not to end on the day of election, but that democratic principles should be carried out by those who profess to represent the people.

Mr. CUNNINGHAM said, that he rose to propose a plan, the outline of which had been given by the gentleman from Beaver. (Mr. Dickey.) He said that he believed, that there was a majority in the Convention against a tax qualification. The tax was not an evidence of qualification, but was advocated on the ground of evidence of qualification. It might be an evidence that the men lived in the State to
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Distinguish him from transient persons. Now, if we can fix upon a substitute, then he believed that all the moderate men in the Convention would adopt it in preference to a tax. A registry of the voters is all that can be desired for evidence of citizenship, and it will also have the effect to preserve the peace and order of society. I had worked well in the city and county of Philadelphia, and he hoped that some gentleman from that quarter would advocate it. His proposition went further than that of the gentleman from Beaver. He would, therefore, by the permission of the chair, read the following:

Provided, That no citizen shall vote at any election for representatives, unless he has entered, or caused to be entered, his name in a book to be kept by the principal assessor in some ward, district, or township in this State, at least six months before such election in each year; and until the legislature shall pass a law or laws to carry into effect this proviso, no citizen shall vote at said election, who has not paid a state or county tax, which shall have been assessed at least six months previous to such election.

Such a provision should be adopted, there will be no need of a tax qualification as evidence of citizenship. A person who has been registered in one county, if he removes to another, may get a certificate of registry, which will answer not only the purposes of a certificate of a tax qualification, but furnish the evidence of citizenship long enough to vote in the State of Pennsylvania.

Mr. C. said his plan was this: to dispense with taxation, and require a registry of voters; and, until the Legislature shall establish some law by which it shall be ascertained whether a citizen shall vote, to require that none should vote but those who paid a tax. In this way, he believed we should meet the views of a majority of the Convention and of the people. He had never heard any complaint among his constituents of the tax qualification; but he had heard every one complain that paupers were not excluded from voting.

Mr. Dickey perfectly coincided with the gentleman as to the expediency of throwing guards around the right of suffrage, so as to prevent it from being abused; and, if the tax qualification was abandoned, as he was willing it should be, what was called a registry ought to be substituted for it, in order to establish citizenship and residence. Mr. D. stated it as a fact that would not be disputed, that both of the political parties, in the contest in the 3d congressional district, were engaged in importing voters to be used at the special election; and he had heard it said that the result of the election was doubtful, for the reason that there was no registration of votes in the district.

Mr. STEVENS said he had not heard a single person here who was not in favor of the present proposition, and of giving the government of the country to the real and substantial part of the community. He hoped, therefore, that the vote would be taken some time in the course of the next two or three weeks, without taking up the other plans, the discussion of which would carry us into the sickly season. He was persuaded that the committee was ready for the question.

The question was then taken on the amendment, and determined in the affirmative by the following vote—yeas 69, nays 54.


Mr. MANN moved to amend the report by adding the following:—

"and no man shall be entitled to vote, except in the district where he resided at the time of the election."

The motion was rejected.

Mr. MARTIN moved to amend the report by inserting in the first line, after the word "every," the words "white male.

After some conversation on the point of order in reference to the motion, the committee rose, and the Convention adjourned.

THURSDAY, June 29, 1837.

Mr. SMYTH presented a petition from sundry citizens of Centre county, on the subject of banks and banking. Referred.

Mr. COPE presented a petition from sundry inhabitants of Pennsylvania, remonstrating against lottery grants. Laid on the table.

The PRESIDENT presented a memorial of similar tenor from sundry citizens of Pennsylvania, which was laid on the table.

Messrs. Krubs, Carey, Crawford, Penny packer, and Chamber of Philadelphia, obtained leave of absence for a few days.

Mr. JENKS moved that the use of this house be granted this evening, to Mr. Josiah Holbrook, for the purpose of delivering a lecture on Education. Agreed to.

Mr. FLEMING moved that the following resolution, offered on the 20th instant by Mr. MILLER, be taken up for consideration:

"Resolved, That the thirty-second rule be so amended, that it be in order to call the ayes and nays on questions of daily adjournment, and that for that purpose, the words 'except on a question of daily adjournment,' be struck out."

The motion was negatived.

THIRD ARTICLE.

The Convention went into committee of the whole on the report of the committee on the third article of the Constitution, Mr. KERR in the chair.

The question being on the report of the committee as amended, so as to read as follows:
"In elections by the citizens, every freeman of the age of twenty-one years, having resided in the state one year, or if he has been previously a qualified elector of this state six months, and having paid a state or county tax in this Commonwealth within two years next before the election, shall enjoy the right of an elector, provided that all citizens between the ages of twenty-one and twenty-two years having resided in the state one year next before the election, shall be entitled to vote, although they shall not have paid taxes."

Mr. READ moved to amend the amendment, as follows:

"Strike out all after the word "months" in the fourth line, and insert: "Except idiots, habitual drunkards, and inmates of asylums, insane asylums, penitentiaries, and prisons, shall be entitled to vote in the election district in which he shall reside."

The CHAIRMAN decided that the motion was not in order.

Mr. READ appealed from this decision; and the question on the appeal was discussed at length by Messrs. Read, Martin, Sterigere, Banks, Cunningham, Denny, Biddle, Cox, Dickey, Agnew, Sergeant, Chambers, Clarke of Indiana, Earle, Fleming, and Hopkinson, when the question was taken by yeas and nays, "Shall the decision of the Chair stand?" and decided in the affirmative—yeas 72, nays 45, as follows:


Mr. STERIGERE then moved the following amendment to come in at the end:

"Provided, That neither persons nor persons who have been convicted of any infamous crime, nor persons who have been found by acquittal on compo mens or habitual drunkards, shall be permitted to vote at any election. The election laws shall be equal throughout the State, and no greater or other restrictions shall be imposed on the electors in any city, county, or district, than are imposed on the electors of any other city or district."

Mr. CUNNINGHAM suggested to the mover to strike out the same part, as some delegates in favor of the first part, might vote against it in consequence of its interference with what was called the registry act.

Mr. STERIGERE said, that in order to obviate any difficulty on that ground, he would call for a division to end with the word "election," that the question should be taken on each part separately.

Mr. DARLINGTON spoke against the amendment, on the ground that laws might be required in one part of the State which were not required in others. The citizens of Philadelphia might require certain regulations which the counties would not, and therefore the hands of the Legislature ought not to be tied up.

Mr. M'CAHAN said that in his present mind he would vote against the proposition of the gentleman from Montgomery; he was not prepared to say what he might do upon deliberation. He was inclined now to believe that when a man had expiated his crimes, had suffered the penalties of the law, and thus made atonement for the wrong he had done, whether he may not become a good citizen of the Union. Besides, an innocent man may have been convicted of a crime; he may have suffered for this conviction, because, up to that time, he may not have been able to establish his innocence; and would you have him persecuted still further, having suffered the effects of an unjust conviction?

Mr. STERIGERE was opposed to leaving to the Legislature the power to prescribe the qualifications of voters. He thought that there ought to be a constitutional provision, which would operate in all parts of the State alike.

Mr. AGNEW asked whether the amendment contemplated preventing habitual drunkards from voting if they should reform, or to prevent those who recover from their insanity? Mr. READ replied that a reformed man was no longer a habitual drunkard, and therefore would not be prevented from voting.

Mr. AGNEW said the gentleman from Susquehanna had mistaken the language of the proposition. It did not simply exclude persons non compos mentis or habitual drunkards, whose condition was to be judged of when they applied to vote, but excluded all persons once found non compos mentis or habitual drunkards by inquest, without providing any means of relief against the consequences of such finding, after these disabilities had been removed. The language of the proposition was altogether uncertain.

Mr. BROWN of Philadelphia county, said that some men were in the habit of getting drunk only on the 4th of July. Were such habitual drunkards?

The vote being taken, the first clause of the amendment of Mr. Sterigere was negatived.

Mr. EARLE supported the second clause of the amendment, and went into an argument to show that the present registry law in the city and county of Philadelphia was not only unjust, but unconstitutional. He said that the peace and quiet of the citizens would be much better preserved in some other way. Only make the election districts small, and the citizens of the city and county of Philadelphia will be as orderly and quiet as any where else, and fewer illegal votes polled. As for sobriety, he believed that no people had more of it. After what had fallen from the gentleman from Franklin, (Mr. Dunlap,) on the drunkenness and fighting in the country, he thought no more reproaches should be heaped on the citizens of the county of Philadelphia; for there he had not often seen a drunken man around the polls.
Mr. MARTIN said he would vote for the amendment in the proper place, but not in the third article.

Mr. SMYTH opposed the amendment on the ground that, however much a registry law might suit the city, it was not wanted in the country.

Mr. BROWN, of Philadelphia county, said the registry law was not wanted by the citizens of Philadelphia city and county. It had been forced upon them. They did not wish to have their names stuck up like cattle to be sold on the blacksmith shops and in the taverns, while the people, just over the county line, had no such restrictions imposed upon them. It was making an unwholesome distinction between them and the people of other sections of the State, which they did not like. The Constitution required, that all laws should be equal throughout the State. This law was unequal, and ought to be repealed.

Mr. SMYTH said that he did not wish to impose any such law upon the people of any county, unless they desired it.

Mr. PORTER, of Northampton, said that, although he approved of the object intended to be reached by the proposed amendment, he thought this was not the proper place to insert it, if the provision were necessary. The existing provision in the Bill of rights, section 5, is "that all elections shall be free and equal;" and this provision is perhaps as broad as the language now proposed. But the proper place for any provision restraining legislation was in the Bill of rights; and if, when we reached that part of the Constitution, it would be found, that any thing beyond this 5th section of the Bill of rights was necessary, it could be inserted in its proper place. Mr. P. said, I feel it necessary to say this much, because, approving of the principle, I shall be obliged to vote against the amendment in this article. I hope we should attach attention to this subject in consequence of the passage of the obnoxious law generally denounced the registry law, by the Legislature of 1835-6, which prescribes a different rule for regulating the right of suffrage in the city of Philadelphia, and in some of the adjoining districts of the county of Philadelphia, from the general law which applies to the rest of that county and the State at large. This act, I believe, is unconstitutional. On this subject I have never had a doubt. I have reflected well, and I give this as the deliberate result of my judgment upon it. The existing constitutional provision is, that "every freeman of the age of twenty-one years, having resided in the State for two years next before the election, shall have been assessed for at least six months before the election, shall enjoy the right of an elector." A provision follows, that the persons qualified voters between the ages of twenty-one and twenty-two years, shall be entitled to vote, without having paid taxes. A citizen residing in any other part of the State complying with these provisions, is entitled to vote at the election. But if one resides in the city or specified districts, he cannot vote, doing precisely the same act which he could do in the other part of the State. This was a violation of the spirit and letter of the Constitution; and it was part of the doctrine of the Legislature, which, having obtained by accidental circumstances the ascendancy, determined to exercise the brief authority they possessed, to the utmost extent, well knowing that they would never have another chance.

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

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

Mr. DARLINGTON observed that the arguments of the gentleman from Northampton (Mr. Porter) would be more appropriate in the Legislature, in case a bill for the repeal of some grievous law was before that body, than in a Convention to amend the Constitution. His remarks were out of place here. An attentive observer, coming into this Hall would be apt to conclude, that this body was not assembled to revise the fundamental law of the State, but that it was an assembly for the redress of local grievances, and that members came here charged, each with his own local excitement, and embraced every opportunity to introduce it into discussion. The registry act in operation in Philadelphia is no subject for discussion here. If a law has been passed at the instance of the people of the city and county, which they have since found to be inexpedient, is it to be made the subject of discussion here? If they wish it repealed, let them go to the Legislature. It is a subject of local legislation alone. The people of Chester should find it necessary, hereafter, to apply to a registry law, to keep foreign voters from controlling their elections. They ought to have it. Shall we then tie up the Legislature, and prevent it from granting such relief as may hereafter be necessary? He did not believe the registry law unconstitutional. It was only the evidence of the right to vote the Legislature had a right to prescribe that.

Mr. DICKEY agreed with the gentleman from Northampton (Mr. Porter) that "the elections should be free and equal," and it is not unconstitutional that Legislature, which, having obtained by accidental circumstances the ascendancy, determined to exercise the brief authority they possessed, to the utmost extent, well knowing that they would never have another chance.

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

Letters addressed to the editor and publisher of this paper, on business relating to the Daily Chronicle and Convention Journal, must be post paid, or else they will not be attended to.

(Continued from Thursday.)

of the Constitution, by guarding the rights guaranteed to the people. In the city and county of Philadelphia, frauds had been committed which rendered the elections of the whole state unequal. To guard the rights of the people, and to make the elections “free and equal,” the Legislature passed the registry law—and it was not only a whole-some law, but perfectly constitutional. It was merely a law to regulate the mode of election. Other laws regulating the manner of elections in the city and elsewhere, have frequently been passed. In the country, the elections commence at ten o’clock. In the city, the polls open at eight. Is this regulation unconstitutional? Are any laws unconstitutional, which prescribe different modes and different places and times of receiving votes unconstitutional, because they do not apply to the whole state? He should like to see the thing tested. Let them bring the question before the supreme court. They will then find their mistake.

Mr. REIGART said the delegate from Northampton has told us that the act of 1896-9, is a palpable violation of the Constitution, and this position he attempts to sustain by calling to his aid the 5th section of the bill of rights, which declares that “Elections shall be free and equal.” In taking this position, the delegate seems to be peculiarly unfortunate; there does not seem to be the slightest analogy. This section does not shed a single ray of light on the act in question. As well might the delegate have told us that the Legislature have no right to create a new election district, or to enlarge or decrease the boundaries of an old one. Such legislation would not certainly be said to be unconstitutional. I apprehend that even the microscopic eye of that delegate could not point it out. What does this act provide for? Does it add any new qualification not provided for in the Constitution? Does the act in question supercede the payment of any taxes not enjoined by the Constitution? But what, sir, does the act in question provide for? Not that any elector constitutionally qualified to vote shall be disfranchised; not that the elector must possess himself of other qualifications not provided for in the Constitution; but simply, sir, that the name of such elector shall appear in a certain register, which is to be made and kept of the voters of the wards, townships, and districts in the county of Philadelphia.

Does this, sir, make the elections less free and equal than they were previous to the passage of that act? These registers, by the provisions of that act, are to be published for some time previous to the election, and put up for the inspection of electors in the most public places (in the midst of a dense population) in the several wards and districts, so that the act seems to be one of detail altogether, without conflicting with any constitutional principle whatever. It keeps no elector from coming to the polls. On the contrary, every man has a much better opportunity of securing his vote than under the old system. By inspecting the registry which stares him in the face at every corner of the public streets in his ward or district, he may be certain that it contains his name: and if it does not, he may rectify the mistake with great convenience to himself.

Mr. EARLE remarked, that the gentleman from Chester has talked about petitions that were sent to the Legislature, from the city and county of Philadelphia, for the registry act. There were no petitions. The representatives from the counties of Lancaster and Chester imposed upon the people of Philadelphia this law. The gentleman says, that the registry is only proof that the citizen has a right to vote. The Constitutional time for proof was on the day of election. If proof was required at another time, it was a new qualification unknown to the Constitution. Take the case of a seaman, who might sail out of Philadelphia, following his occupation, before the time of the registry. That he should return home from his voyage to New Orleans, Charleston, or Boston, or near the day of the election. That man looses his vote, in consequence of the registry act. So a man who should become qualified, by living in the State two years, between the time the assessors meet to receive the proof and the election; such a man would loose his vote unconstitutionally. A man, too, who should neglect to pay his taxes until within a week of the election, and no man is, in order to vote, by the Constitution, to pay them sooner, looses his vote. The operation of the law is unjust and unconstitutional.

Mr. BIDDLE said it was not his intention to detain the committee, at this time, by an argument; but, as a citizen of Philadelphia, to state, that from an extensive knowledge of the views and opinions of the inhabitants of that city on the subject, he believed that the registry law was highly approved by a large majority of them. Its practical operation had been, not to exclude voters from the polls, but to facilitate voting, and promote tranquility at elections. The two or three elections preceding the passage of the registry law were distinguished by disorder and violence, and by the exclusion of peaceful voters—and those since held had been remarkable for quietness and order.
Mr. STEVENS said that the adoption of the amendment would introduce no new principle into the Constitution. The same principle was contained now in the bill of rights, and in the case which has been mentioned, that principle had, in no respect, been violated. There seemed to be a disposition here to try the acts of the Legislature, and thus travel out of the record, and transcend the powers of this body. The registry act only pointed out the mode in which the election should be held. It added nothing to the qualification of voters: it took away no man's right. The gentleman from Beaver has well said, that several laws have, from time to time, been passed, regulation the elections in that city, and passed, too, in the hey day of the power of the exclusive friends of freedom. Before the registry law was passed, although gentlemen now seem to be ignorant of the fact, disturbance, outrages, tumult, violence, and bloodshed pervaded the city on the day of election. Men were shot, and murder perpetrated in the streets. Every address to the newspapers of all parties gave the shocking details at the time. For the purpose of preventing such disgraceful scenes, and to give the honest voters a chance to record their votes, and to prevent those who have no right to vote, the registry law was passed. It happened to be passed by a Legislature opposed to them in politics, and this is the only reason why they object to it. It is sufficient cause for their opposition that it was not passed by themselves. In the State of Massachusetts, a registry was passed for the city of Boston, while it was not used in the country. There is nothing wrong in it. The people in cities require different regulations from those in the counties. In the Convention which assembled in the State of New York, a few years since, to revise the Constitution, a proposition was submitted to insert a clause in the new Constitution, giving the Legislature power to pass a registry act. Mr. Van Buren, who was a member of that Convention, as will be seen by the record of debates, said that "there was no reason for inserting such a clause, because a registry of votes was NO PART OF THE QUALIFICATION OF A VOTER." Now, what will these gentlemen say? Dafe they? Will they impeach the sentiments of Mr. Van Buren? They dare not do it. They might as well be hanged. Mr. Van Buren has settled the question about the constitutionality, and we shall hear no more about it. "No part of the qualification of an elector," says Mr. Van Buren. This, then, settles this question. His supporters dare not call his opinion in question.

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

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

The latter gentleman (Mr. Riegel) says, that nothing in the way of argument has been adduced to show the unconstitutionality of the act in question—nothing but bare assertion. I have no desire to go into the details of this act: I had not intended to do so: but as the gentleman from Lancaster is an old friend of mine, and one who will, no doubt, feel much gratified in being convinced on this subject, I will, even unwillingly, go about the work for his edification. [Mr. Porter here went into an examination of the several sections, from section 18 to section 23, of the act passed June 16, 1836, showing the restrictions it imposed, and how different they were from the provisions of the general election law, and how much more onerous.] Mr. Porter said this act was entitled "an act for the regulation of election districts, and for other purposes." These cajolistic words, "for other purposes," like charity, covered a multitude of sins, and no where more than in this act. It was one of the log-rolling notes which of late years had grown into fashion in legislation, and which it was high time to put a stop to. This act commenced with establishing some election districts, and changing the houses at which certain elections were held. It then proceeded with the registering provisions, and provisions for paying for property destroyed by mobs—next treated of city and county loans, and the drawing of orders on the treasury—then it created commissioners of a certain kind—directed the election of city and county treasurers—then creates another election district—then directs the commissioners of Indiana county to execute a certain deed—then creates of borough elections in the borough of Indiana, and the settlement of the borough accounts; and after a repealing clause of all conflicting laws, winds up with a provision, no doubt introduced by the gentleman from Somerset, (Mr. Cox,) for changing the route of a State road in his county. In this ello podrida are found the unconstitutional provisions of which I complain. The effect of this law is to restrain and restrict the right of suffrage. It is not to be disguised;
for the fact is unquestionable, that one of the leading characteristics of distinction between the two great and leading political parties of this country, when we had parties formed on principle, was the fact that the federal party was for restraining the right of suffrage—for restricting the rights of the people, while the democratic party was for giving the largest extent to the exercise of the right of suffrage, and the greatest latitude to the rights of the people. This act was, in my judgment, passed to carry out the sentiments of those who do not wish the right of suffrage extended to all. Such, I am satisfied, was the object of its author. It was got up for political purposes, to produce political results that could not otherwise be attained. Its effect is to give advantages to the rich and the knowing, to the prejudice of the poor laborer who, toiling for his daily bread, has not time to run after these registering officers and their lists, and may not have information enough to study out the complicated provisions of this law; and thus it tramples under foot the rights of the poor and the humble. This, sir, is an inequality in the rights of the people, contrary to the genius and spirit of the Constitution. In truth, the injustice and unconstitutionality of theregister act is exhibited at once in the position, I trust, clearly established, that I, residing in Northampton, am entitled to vote under a given state of facts, whilst my brother, residing in one of the districts of the county of Philadelphia, is not entitled to vote under the same circumstances. Can this be other than a violation of that provision which declares, "that all elections shall be free and equal!? I put this to the common sense of every man in the community, and I defy sophistry or casuistry to baffle or mystify it.

I had not intended to go into the details or into the merits of this same registry act, but I have been driven into it by the course pursued by the gentleman from Lancaster; and whilst on this subject, I may be permitted to say, that there was much inadvertence in the abuse of the power which that Legislature unfortunately possessed. On referring to the pamphlet laws of that session, I find that on the 1st of April 1839, the first edition of this registry law was passed. The sections 49 to 51 of another election district law, found at page 442, will be found to be a system of registry—the first they tried. Shortly after this, the Legislature adjourned, and at the adjourned session in June, we find the existing provisions were enacted, repeating the former even before they had been tried in practice. Perhaps the current of public opinion had partly plainly indicated the their race was nearly run, and feeling that they had might of power left for right, perfected the system thus sprung upon the people, without their knowledge or consent.

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

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

Mr. BEIGART addressed the committee as follows: Mr. Chairman—I regret the necessity which obliges me to reply to the arguments of the delegate from Northampton. I did suppose that we should have concluded the debate this morning before the hour of adjournment should have arrived; but the delegate, having then had the floor, has thought proper to resume the debate this afternoon. It may, therefore, be necessary for me, having undertaken the task of replying to him in the morning, that I should rid myself of that burden as I best may this afternoon. As I now understand, the delegate has for the present abandoned the constitutional ground which he assumed this morning, and placed the act in question on the ground of expediency. This, sir, is the only and the true ground on which to place this question. 'Tis true, it is not the legitimate question now before the committee; yet all who have preceded me have assumed great latitude, but as my more immediate object is to assail the provisions taken by the delegate from Northampton, I will content myself with endeavoring to clear that object. Sir, the delegate has told us, that by the registry act, an elector may be absent for a few weeks from Philadelphia, and return on the eve of an election, and, his name not being in the registry, he is deprived of a vote. It is very possible that such a case may occur—say, that it has occurred—concede to the delegate all he asks, and what is the result? Has the absent elector not a greater chance still under the registry act than he had before it, to secure his vote? Under this act, the lists of voters are published for some time previous to the election. The county of Philadelphia abounds, as we are all aware, with active and busy politicians, who know every voter and their names in their respective blocks and wards. It is first the sworn duty of the assessor, to hunt up and ferret out every taxable inhabitant in their respective wards; and then it is the especial business of the busy ward and block politicians, to look into the published registry, and search for the names of their political friends. No one will, I presume, deny that this is not done? Then, in the case put by the delegate, of an absent elector, there is an additional safeguard for the security of the right of suffrage. The delegate does not even pretend to deny, that an elector not absent can, by any possibility (short of total blindness) lose his vote. Such elector has no excuse, except his own remissness and that of his friends, to urge, if he should forget his right, as he may first examine the registry himself, or should fail to do so, his friends may do so for him. Cases of remissness whereby the elector loses his right to vote, are (as they necessarily must be) "few and far between." The hostility to this law must arise from some other cause than those suggested here. Permit me now, sir, to examine how the law stood formerly in the county of Philadelphia, previous to this obnoxious law, and how it stands now. In all other parts of Pennsylvania, the assessor does not publish any printed list of the
taxable inhabitants of his district; it is no where exposed to public view, but is deposited in the office of the county commissioners, or in the pocket of the assessor. Have the people of the interior, as the law now stands, the same facilities of ascertaining their right to vote as the people of that district? It cannot be presumed that they have.

But the delegate from Northampton has charged one party of his fellow-citizens with having always endeavored to restrain the right of suffrage, and has sung the praises of another for their repeated attempts to enlarge that right; but as this charge is vague and very indefinite, it is scarcely possible to answer it. Does he mean the whigs or the parties of the revolution? Does he mean the old constitutionalists, or anti-constitutio~alist~s? Or does he mean the old federal or democratic parties? [Here Mr. Porter explained, and said that he charged the old federal party with having entertained these views.]

Mr. Reigart then said, I rejoice that the delegate has not dared to charge the great democratic anti-masonic party of Pennsylvania with entertaining these views. They contend for equal rights and equal privileges—the rights of freemen against a many-headed monster, even in the opinion of the delegate himself, rise superior to such base charges. It is most grievous, indeed, that the delegate should have thought proper to arrange the motives of the old federal party in this way. They have no representation as such here: as a party they have long since gone to the tomb of the capulet; and it was unkind in that delegate to have raked up the ashes of the dead.

But it was particularly unkind. But it was more particularly unkind in that delegate to disturb the ashes of the poor old federal party, as the self-styled great democratic family of Pennsylvania are led on by those once the most distinguished leaders of the poor old federal party. This small attack is, however, justifiable in one respect, as it may go to prove the sincerity of a new convert, and a more inestimable to freemen. Would that the Legislature had extended the provisions of this law to every city and incorporated borough in this Commonwealth.

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

[Mr. DORAN made some remarks, which will be given hereafter.] Mr. DICKEY said that he happened to be one of the Legislature, who twice voted for that registry act which had here been denounced. The gentleman from Northampton (Mr. Porter) is mistaken, if he supposes that the Legislature passed that law for the purpose of disfranchising any man. That gentleman does not seem to understand that law; and it might do him some good to read it, in order to learn that he is entirely mistaken, both as it regards its provisions and its objects. It not only was intended to guard the right of election, but to extend the right of suffrage. By that act it was made the duty of the assessors to go round some time before the election, and take down the names of all qualified to vote. After this was done, public notice is given in the most public manner, that the inspectors and judges
Will meet to correct the lists so made out, and receive the names of persons who may have been omitted on the printed lists, that are posted up in all the public places in the district. In addition to these lists, thus corrected, and furnished to the inspectors and judges, they are also to be furnished with the usual tax lists by the county commissioners accordingly to the provisions of the general election law. Can any thing be more equal, more impartial, more fair, or more just? It supplied the defect in the country districts, where an assessor could deprive a man of his vote.

But the Legislature had another object in the passage of that act. It was the prevention of fraud in the election, and the corruption of the elective franchise. It had been asserted again and again, in the halls of the Legislature, that frauds of the most gross character had been perpetrated, violence had been committed, the ballot boxes had been seized and carried off, and foreign voters had been imported to carry the election. To prevent these outrages, the registry act was passed, and because it has prevented them, is, perhaps, the cause of clamor against it.

In conversing lately with a gentleman on the subject of the special election for a member of Congress, which was soon to take place in the county of Philadelphia, it was remarked, that it had been decreed, that the registry act did not apply to this election, as it was a special one; and that the result was very doubtful, as both parties were now engaged in importing voters, and that the result depended upon which party imported the most. This shows that such an act is necessary in the city and county of Philadelphia. It shows that something of the kind is necessary to preserve the rights, not only of the honest in that city and county, but the rights of the country also, which, in every general election, are in danger of being put into the hands of men elected by fraud in the city and county.

It had been stated that men lost their votes, who were known to be entitled to vote. He doubted whether the vote of any such man could be excluded. The inspectors take no new oath—they are bound to take the vote of every man that they know are qualified by the provisions of the Constitution. The object of this law was to prevent qualified electors from voting; but to prevent imported voters, Jerseymen, New Yorkers, and others, not entitled to vote, from carrying our elections, and nullifying the voice of the people of Pennsylvania. And it had produced this result and more. It brought peace to the elections windows, and order was restored at the polls. He believed that every honest man could not say that he would acknowledge, that this is a wise and wholesome law—a law to preserve the purity of the elections and honesty in the community.

The gentleman from Northampton says that the repeal of this law was prevented by a Spartan band in the Senate. He wished to mark the prediction, that the Spartan band in the Senate would prevent the repeal of that law for at least seven years to come. Let him mark that in his note book! That Spartan band in the Senate will be sustained by the people, to preserve the rights and interests of the Commonwealth. His great democratic Van Buren party, which he boasts so much of, and of which he has lately become the Great Big Gun, will find itself in a minority. Let him mark that also! The large majority of 50,000 has, since he belonged to the party, dwindled down to the number of 4,000, and if the election last fall had been two weeks later, it would have been nothing. The old hero, not the hero of New Orleans, but one who will carry out the principles which he came into office pledged to support, run the candidate of the gentleman's great democratic party nearly off from the field. The next time the triumph is certain. Let the gentleman also mark that in his note book! Where then will be the gentleman's great democratic party, of which he has become the big great gun? The gentleman will again find himself in his accustomed minority.

Mr. DORAN asked the gentleman from Beaver (Mr. Dickey) when those frauds were committed, and by whom?

Mr. Dickey said they were spoken of in the legislative hall.—They were not denied.

Mr. DORAN. Then it is merely hearsay.

Mr. PORTER, of Northampton, rose in reply to the delegate from Beaver. He said it was fortunate, as the gentleman from Beaver operated on the high-pressure principle, that an opportunity had been afforded him to let off a little of his spare steam, or there might have been danger of an explosion. The democratic party ought to be very thankful, if the gentleman is correct in calling me the big gun, that they have succeeded in getting so large a gun in exchange for the gun, big or little, which they lost in the person of the delegate from Beaver; for it so happened, that about the time my old friends, the democrats, and myself got together again, the delegate from Beaver and some of his friends, who had been very solicitous to get me back into the ranks, deserted to the enemy. The delegate from Lancaster says there is no representative of federalism here that all is now pure democratic antimasonry. This may be so, if it regards some places; but I scarcely think it will suit some of my worthy and estimable friends who are not ashamed of the old fashioned name of federalism; and I am sorry that my friend from Lancaster should have abused his ancient name, and the faith of his fathers, in form, whilst he has not, perhaps, departed from them in feeling. I have lived long enough to have seen many queer things, and among the queerest of them is, the chameleon-like facility with which party politicians can change their hues and name. My earliest recollections carry me back to the years 1799 and 1800, when we knew no other names than democrats and federalists. The leading characteristic of these parties I have already stated on this floor. A portion of the old federal party, thirteen in number, composed the majority of the senate of Pennsylvania in November 1800, when the Legislature was convened to enact a law for the choice of electors of President and Vice-President. A bill passed the house of representatives for the choice of those electors, by joint meeting of the two houses. When it came into senate, they altered the bill, so that the house of representatives should choose eight and the senate seven electors; thus giving, in fact, but one vote for the state of Pennsylvania in the election of President and Vice-President of the United States, when the preceding gubernatorial and representative elections in 1799 and 1800, had given conclusive evidence that a majority of the people of the state were favourable to Jefferson and Burr, the democratic candidates. The senate was then composed of 24 members, 13 of whom:
as I have said, were federalists, and eleven were democrats. The majority of the house of representatives were democrats. The majority of the senate were opposed by their portion of the population standing between the voice of the people and their own wishes, and dominated by the "Spartan Band." And it was for the similarity between that conduct and that of the majority of the late senate of Pennsylvania, that I denounced the latter by the same appellation. That Sparta band soon died a natural death, and were never heard of again in Pennsylvania; and, if I mistake not, the same fate awaits their recent imitators.

We know no other names but triumphant democracy and prostrate federalism, from 1803 to 1805, when the mass of the democratic party hast off Thomas McKean, and nominated Simon Snyder for Governor of Pennsylvania. The office-holders and their friends, who had acted with the democratic party, desirous of holding on to the lands and offices, organized themselves as "the constitutional republicans," and federalism hitched on to them, and aided them in re-electing Thomas McKean, whose administration therefore might be esteemed essentially as federal.

In 1808, the democratic party rallied, and, by an overwhelming majority, elected Simon Snyder, over James Ross, the federal, and John Spady, the constitutional republican; or, as the democrats then called the party, "the gaid" candidate for Governor. A certain portion of the democratic party were disappointed in their expectations of office and influence under Governor Snyder, and seceded under the denomination of the old school party, many of whom, with the federal party, were opposed to the administration of the general government during the war, and supported Clinton, the peace party candidate for President.

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

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

Now it seems that good old honest federalism is to be chaffed off the stage, and its place supplanted by some of the modern Republican party. Democracy, however, has gained a signal triumph. All must now motor, and all must fight under her broad banner—just a bit, but to some, a humiliating tribute to the right and capacity of the people for self-government. We have now nothing but democracy—meaning the old party names are laid aside, and you find all the newspapers now headed "Democratic Reporters," "Democratic State Journals," "Democratic Gazettes," and, bless the mark, "Democratic Anti-Masonic" papers. We have Democratic Whigs, too, and, to cap the climax, we have had a Convention held here called "The Democratic Republican Anti-Masonic State Convention," whose proceedings have been laid before us, at the head of which we find my most worthy and estimable "democratic" friend from Adams, (Mr. McSherry.) Now, I know where to find, and I respect an old federalist, although we differ—because I know we differ honestly. I find him an honest, open-hearted, gentlemanly and independent man, of proud, yet modestly pleasant bearing, who generally does not stoop to little matters, leaving that part of the work to be done by their less elevated allies and the new converts. But these new-fangled shreds and patches, the fictions and fragments of fictions, I cannot comprehend, nor understand; and I only regret to find my worthy and high-minded federal friends sometimes becoming heaver of wood and drawers of water to such fictions. As to anti-masonry, I know little of it, and care less about it. This much I know, that, having no principle as its basis, it need not alarm us by any fears of its duration.

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

I had originally argued this question in a legitimate and regular manner, as a violation of the Constitution. To this, gentlemen have aforesaid abstained from replying, but have digressed and introduced extraneous matter, arguing about the expediency of the act in quos whom I had previously acted. I had belonged during that time to a very respectable party called "the national republicans." But they having become lost, or merged in some new party, I found myself almost alone. I must either have stood still, until in the revolution
It specifies certain things as qualifications of electors. A freeman in one part of the State is entitled to vote under these provisions. By the operation of this registry act, another freeman in a different part of the State, under precisely similar circumstances, is excluded from exercising the right of suffrage. Such a law is a violation of the Constitution, and an encroachment on the rights of the citizen."

But it seems that the observation I made, that this registry law is calculated to prejudice the poor and to trample their rights under foot, has met the special reproval of the gentlemen on the other side, and allusion has been made succinctly and contemptuously to the terms "the people," and they are called "the dear people." There is no man living who more heartily condemns the unworthy arts of demagogues, and the low and stateful attempts to pander to diseased and depraved appetites, than I do. Sir, I scorn all such unworthy appeals, and I make none such. I dislike on the one side the slang of the poor, and the continual placing the rich and the poor—the poor and the rich in the fore-ground of every harangue; and, on the other hand, I dislike this2

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

I am charged, too, with having done injuries to the Legislature of 1833—'34—and the expression used by me, that we never had such a Legislature before, and never will have such an one again, is found with.

Sir, I repeat it—that Legislature was elected under circumstances, which, I trust, never will, and I believe never can, occur again. The dissensions and divisions of the democratic party, permitted a minority to elect a majority of the Legislators, and put the State at the mercy of that minority. It is true, that they legislated with inherent haste—it is true, that they acted as men who knew they were disappointing the wishes and expectations of the people.

To screen themselves, and to maintain their ill-gotten power, they gerrymandered the State for representative and senatorial districts, without regard to number of taxables, or situation of counties, but simply with a view of so arranging the districts, that the majority of the people should not rule. For instance, they thought my own district represented by Mr. Montgomery was too democratic, and they attached her to the good old federal counties of Chester and Delaware, in order to keep her in order. See the result—an insulted people rose in their might; Montgomery has elected a senator for the Delaware part of the district, and sent three democratic senatorial delegates to this Convention, two more than could otherwise have been obtained.

A district, too, was formed, reaching from the Susquehanna river to the Allegheny mountain, so arranged, that it was thought impossible for a democrat to be elected in it. When the next election came, you find the people rising in all the majesty of their strength, and electing a Democratic Senator in that district by from 1200 to 1500 majority.

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

Mr. McCAHEN would make a few brief remarks in reply chiefly to the gentleman from Beaver, (Mr. Dickey;) he said brief, because he used the words upon the authority of Shakespeare, "that we must be brief when traitors take the field." The delegates from various parts of the state, who have spoken of the manner in which the elections are conducted in the county of Philadelphia, have no knowledge of their own, of the truth of the charges made by them. The gentleman from Beaver had confessed that he had no proof; that it had been asserted, and he believed it. He may believe any thing he pleases; but he knows nothing of the matter. He (Mr. McCAHEN) could speak from his own knowledge of the injustice of the law registering voters. The assessor is constituted the sole judge of the qualifications of a voter: in many parts of the county, several families lived in the
same house, and the assessor has in many cases omitted to register nearly all of them; and, although a man had paid his tax within two years, had been assessed at least six months before the election, if he was not upon the registry, he was denied the right to vote: numerous instances of this kind had occurred. There was another valuable class of citizens in a part of the county of Philadelphia— he alluded to the fishermen who resided in the district of Kensington, whose occupations kept them much from home; and it might happen that at the very period of time when the registry was made, they would be absent, and consequently lose their votes; because the assessor would register no man, unless he saw him in person: It was clearly an unjust and partial law—the voters in the county did not feel the inconveniences, and therefore could not judge of the gross and palpable violation of the rights of the citizens of the county of Philadelphia. The gentleman from Beaver has said, that the Legislature had frequent complaints of the fights and destruction of property there; and they passed this law for the purpose of extending the right of suffrage. From such an extension of the right of suffrage, I trust the people of the county of Philadelphia may ever after be protected: that there were numerous fights and disturbances upon the election ground, he did not deny; but the registry law had not prevented it. The excitement which attended the election of 1834, he thought, if the newspapers told the truth, extended all through the state, and all through the Union. There was no fighting or disturbance at the election of 1834; and the Legislature could not, with truth, give the experience of that election as proof of necessity for the registry law. The undisguised truth was, that the county of Philadelphia was essentially and truly democratic, and her representative influence was felt in our legislative hall. Accident had given the Legislature the power, in consequence of an unfortunate division in the democratic party; and that power they abused with a tremendous hand, and thus passed an infamous and aristocratical law which will never be forgotten by the citizens of that county. The true cause of the frequent disturbances at the election polls, was, that the number of voters which were compelled to vote at any one district was too great, and the anxiety to vote as soon as possible naturally caused difficulty; the voters were crowded from the opening until the closing of the polls, and the proper remedy was to increase the election districts, and every man who is entitled to vote, would then have the opportunity. He hoped that the proposition would prevail.

Mr. SCOTT did not very clearly perceive the relevancy of the discussion about the election law, generally called the registry act, to the question upon the particular amendment before the committee: but as it had been introduced and largely gone into, and as he had been for a short time a member of the Legislature which passed that law, occupying the seat of a better man, whose death had led to his election, he would trouble the committee with a few remarks upon that act, as well as upon the amendment. Great pains had been taken to satisfy the committee that the act was in direct violation of the Constitution. If this were true, then it was unnecessary to alter the Constitution in order to be relieved from that act. The Constitution contained within itself the means of giving construction to its own provisions, and of asserting its own sacredness. The courts established under that Constitution would expound the act, and if unconstitutional, would annul its power. He therefore strongly advised those gentlemen who believed that act to be unconstitutional, and disapproved of its principles, to adhere closely to the very letter of that Constitution. The stronger their denunciation of the act, the greater is the inducement to cling to the instrument which it is supposed to violate. This opinion had been strongly urged by the gentleman from Northampton, as his own deliberate opinion, and its assertion had been accompanied with disapprobation very roundly expressed, of the Legislature which had adopted it, and more especially of the Senate. The opinion was that of an able lawyer but he thought it ought to be expressed with modesty, and to be received with caution by the committee, when it was recolected that in both branches of the Legislature by which the act had been passed, there were gentlemen having some pretensions to legal acquirements, and who had assented to that act under the sanction, not merely of their general sense of duty as public men, but of the very solemn oath which preceded their entrance upon their legislative functions. Was it, then, right or just to inteminate that mere political zeal, willing, in its madness, to forget these sanctions, and to overlap the Constitution, induced that Legislature to enact that law? He addressed the question with entire confidence to every honest and honorable man, of whatever party, now in this committee. He well knew that whether they approved or disapproved the law, they would give but one reply to that question, and would assert their confidence in the purity of motive which led to its adoption, though they might differ in opinion as to its wisdom.

It had been indignantly urged by a gentleman from the county, that the law had been forced upon the county without their assent—that it was a matter with which the State at large had no concern, and all the whole scrutiny to every honest and honorable man, of whatever party, now in this committee. He well knew that whether they approved or disapproved the law, they would give but one reply to that question, and would assert their confidence in the purity of motive which led to its adoption, though they might differ in opinion as to its wisdom.

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with the exercise of the election franchise in the city and county of Philadelphia. If they perceive that franchise to be abused there, or corrupted there, or its free and fair exercise impaired there, it is due to themselves to interfere, though the whole county should raise its voice in hostility. It would be due not only to themselves, but to the cause of freedom throughout the world; endangered and disgraced as that cause must be by any corruption of this, the corner-stone of the republican structure of government.

Was there not, he asked, sufficient cause, at that time, to put the Legislature upon inquiry? Of the election frauds in the county of Philadelphia, he knew nothing. But in his own fair, and beautiful, and beloved city, he had seen before the passage of that registry act her citizens in hostile array contending with violence and riot, for the possession of the place of their primary elections—and bloodshed had followed in the train of that contest. Conflagration, too, in an adjoining district, had done its work. And at the polls he had beheld men, pressed by incumbent crowds against the wall, through the window in which their ballots were to be received, till their human shape itself seemed to be endangered; and then, having thus at the peril of limb, if not of life, exercised their right, projected bodily over the heads of masses of men, in order to effect their escape. Was not this, he again asked, sufficient cause for inquiry? And if, under the knowledge of these things, a law was passed, wise or otherwise, to restore the freedom of elections, cannot common charity find some other motive for that law, than one which imputes dishonor to the law-maker! It had been asserted, too, that at these elections, New Jersey, and even New York furnished their respective quotas of voters, usurping the places of the sons of the soil, and influencing the results of the polls. Of the truth of this assertion he could not judge. Nor did he suppose that disorder, and riot, and fraud, if fraud existed, were to be imputed to any one political party exclusive of others. It was one of the bitter fruits of the spirit of party which cursed the land, that wrong or injury perpetrated by one, was more fiercely retaliated and exaggerated by the other. And thus all the precious gifts of freedom brought into danger, and her institutions into disgrace. Was it not right, then, a second time, that the guardians of the Commonwealth should inquire into these things? And are they to be branded with impurity of motive for so doing, because they did not agree in politics with those who preceded them in the halls of Legislation? They passed a law! What then? If wise or imperfect, was it not capable of amendment or repeal? And if at a subsequent session, one chamber was in favor of that repeal, and the other and graver branch against it, is it necessary or proper, in a body like this, to suppose that difference of opinion might not be honest? After that law had gone into operation, order and quiet were restored—the aged, the infirm, could and did vote—the numbers, when the ballots were deposited in the boxes, were not diminished. Riot and conflagration did cease—freemen once more felt that their dearest franchise might be exercised without peril of life—and it was exercised in peace and harmony by all men—of all parties. Whether this was owing to that abused law or not, he could not say; it was at least a fair supposition, and he would leave it to the committee to judge. He did, however, say that, among his constituents, it was an act extremely popular. Those who had aided its passage were returned to the Legislature, in the cases in which they presented themselves to the sufferings of the people. And on the floor of this Convention, elected to reconsider the structure of our government, and to revise the organic law of the State, are found not a few of its advocates, from all parts of the Commonwealth. And, when upon this floor senators are reproached with their votes, those senators might point to the fact of their being here as a proud refinement of the injustice. It was, indeed, a hardy act, and he was a bold individual who would undertake with his single arm to hold the scales, and weigh the Senate of Pennsylvania against the House of Representatives of Pennsylvania, and pass his judgment between them. The spirit which was equal to this, was better fitted for the chair of a dictator than that of a representative.

The registry act, he added, was not hastily passed, nor without reflection. It was passed in one shape at the ordinary session of the Legislature, was then examined by the public, commented upon, and at the extra session revised and remodelled. Its origin is supposed by one gentleman to be found in an act of Parliament levied by Sir Robert Peel against the forty-shilling freeholders of Ireland. Mr. S. was inclined to believe that the friends of the law were not thinking of Mr. Peel, or the freeholders of any other land, nor even of the great agitator, Mr. O'Connell himself—an individual, however distinguished for greatness in his own hemisphere, not remarkable for his admiration of his praise of our institutions. He was inclined to believe they found their model in another of the free states of our own union, where a similar enactment had been for years in existence, and had been tested by experience, and approved in pra-
Mr. STURGEON, to amend the report on the first section, as follows:

"Provided, That neither paupers, nor persons who have been convicted of any infamous crime, nor persons who have been found by inquisition non compos mentis or habitual drunkards, shall be permitted to vote at any election. The election laws shall be equal throughout the State, and no greater or other restrictions shall be imposed on the electors in any city, county, or district, than are imposed on the electors of any other city or district."

Mr. FULLER said he was in favour of the amendment, but should vote against it now, for the reason that he thought it belonged to the bill of rights.

Mr. BROWN, of the county, said he was in hopes, that, in order to receive a fair expression of the opinions of the committee on this question, the gentleman from Montgomery would withdraw his motion for the present, as many believed it to be out of place here. But, as the gentleman was not disposed to withdraw it, he would offer some reasons in favour of its adoption now, and at a proper time the provision could be transferred to another place. Mr. B. proceeded to reply to the gentleman from the city (Mr. Scott) at length. He said all the disturbances that had happened at the polls in the city and county of Philadelphia, had arisen out of the existing subjects of political controversy, and the large number voting in each ward or district, and not from any thing that could be removed by any registry. He said that no fraud would at any time be permitted, unless the judges and inspectors were corrupt, and when they were corrupt, the registry law furnished them a much better opportunity to permit and accomplish their frauds than the old system. He mentioned instances of injustice and illegality said to have occurred in the city and county of Philadelphia that could not have occurred, if the evidence of a right to vote had been required at the window. He went into an argument to show the danger to be apprehended from permitting the Legislature to enact special laws. All laws should have a general effect, and then each member of the Legislature would look well to his vote. He showed how the registry law had been passed—never reported to the Legislature, never read, but smuggled into the middle of a bill on a hundred different subjects; and said that if not restrained, the Legislature might at any time legislate the people of any county, whose political opinions were obnoxious to it, out of their votes. He mentioned cases where laws had been passed changing the days of election—legislating out of office the corporation officers in some districts of the county—legislating judges of election in office for two years at times, and stated a variety of cases where great evils might arise from the exercise of this kind of Legislation. He mentioned the repeated applications from the city and county to the Legislature to be divided into smaller election districts, which had not been successful, though it was ready to pass the registry law unasked for by a single individual in either. He said he did not believe there had been more fraudulent votes taken in the city and county of Philadelphia than elsewhere, and instance what Mr. Scott had said th there were more votes taken since the registry law was passed th before. He said there were more votes registered now than had been at any time been taken at the polls.

The question being on the motion of Mr. Sturjeon, to amend the amended report on the first section, as follows:

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He protested against all legislation based on the supposition that the people of the city and county of Philadelphia (for he would consider them as one) were any worse than those of any other part of the State, and after comparing the people of the city and country, and after speaking of the character of Philadelphia and her institutions, and the character they bore abroad, he said that, in whatever part of the Union he had ever been, he had always felt proud of being a Philadelphian—every where she was considered as an ornament to the Union; in no city were there so many monuments of public or private virtue. Everywhere was she an object of praise but in Pennsylvania. Here, was she an object of jealousy and distrust—a great sore on her soil. In no where could be found a word against her, but in the annals of the Legislature of Pennsylvania and here, on the records of this Convention, were they to be repeated and recorded?

Mr. BIDDLE said that he had listened with sorrow to the observations made by the gentleman from the county (Mr. Brown) that no delegate from the city had at any time cast any reflection on the county, towards which he felt nothing but kindness and respect.

Mr. BROWN rose and explained, disclaiming having made any attack on the city, he spoke in its praise.

Mr. BIDDLE continued, that the gentleman had alleged not only on what he said was within his personal knowledge, but also on information which would enable him to sustain his declaration by proof, that great frauds had been committed since the passage of the registry law, by the inspectors of the city of Philadelphia, without naming the persons concerned, nor the particular occasion, nor furnishing any means of refuting the charge. He inquired what was the duty of a gentleman knowing the existence of frauds against the purity of the elective franchise? Was it to remain in silence in his own bosom? To institute no prosecution? And then, without notice to the persons whose characters were impugned, on this floor to publish the accusation? He said nothing was easier than boldly to prefer charges against the conduct and character of others; and that in proportion as persons were not restrained by the obligations of propriety, it was easy to do so. But he would inquire if this were fair and honorable, and his friend from the county was, he felt happy to say, both a fair and an honorable man. He said he further regretted that that gentleman had not only made the charge, but had affixed it to members of the party to which his colleague, (Mr. Scott) who addressed the committee yesterday, so powerfully and so argumentatively, and he (Mr. Biddle) belonged. These allusions to party he deprecated. One of the worst foes to free institutions is the spirit of party, which too often confounds right and wrong, and leads not only to the practice of that which is clearly improper, on the extenuating plea that equal wrong has been done by the other side; but makes each violation of law the inducement to a still greater. He then said that the gentleman from the county had urged it as conclusive, that frauds were praised under the registry law, that the number of votes had been, as stated by his colleague from the city, increased. He rather ascribed the circumstance to the prevalence of that order and regularity which had permitted the aged and infirm, who previously were deterred from approaching the polls, to vote in peace and with comfort. He had further contended that the circumstance that the registry law did not apply to special elections, proved it to be a failure. He was at a loss to appreciate the force of an argument like this—that the accidental omission of the words “special elections” in a particular act of the Legislature, was to be addressed to a body deliberating on the fundamental law of the land, as a reason why they should prohibit future Legislatures from guarding against the evils peculiarly incidental to the exercise of the right of suffrage in large cities of two hundred thousand inhabitants. The gentleman had said that the acts of violence attended to by his colleague had taken place after the polls had closed, and therefore had in no degree affected the election. He said if the gentleman had listened attentively to his colleague, he would have learned that the tumult originated in a contest for the possession of the polls at the opening of the election, had been continued throughout the day, and at night consummated by the shedding of blood. He said that after what had fallen from his colleague, he would not feel justified in any further argument. The gentleman from the county had said that the citizens from the city and county were no worse than the citizens from other parts of the State; and he eulogized Philadelphia, her citizens, and her public institutions. Mr. Biddle said that in all this he cordially concurred; but that while it was perfectly true, the remarks of his colleague were no less true; that they were not only exposed to, but had actually been subjected to scenes of ruffian violence by inundations of turbulent persons, poured upon them from abroad.

Mr. HOPKINSON said the debate, it appeared to him, had wandered immeasurably from the question before the committee. We had no power to repeal the registry law, even if we chose to do it, and therefore it was unnecessary to discuss it. He rose to call the attention of the committee to a single point in reference to the motion. It was necessary that the language which we used in our amendments should be as precise and clear as we could make them. Nothing characterized the Constitution of 1790 more than its clearness, harmony, and precision, which were so great that very little difficulty had ever occurred as to its meaning in any particular. Nothing vague or uncertain ought ever to go into an instrument which was, as he hoped, to endure for a long period of time. This amendment was, he said, extremely loose and uncertain. "No greater or other restrictions shall be imposed on the electors," &c. is the language of the amendment. The whole meaning of the provision depended on the construction of the word restrictions. What kind of restrictions was meant? Some supposed that it applied to locality, and others in the right of voting. No two members who had spoken on the subject understood the provision alike; and that, he thought, was a sufficient reason for rejecting the amendment.

Mr. MERRILL said the debate had been a very instructive one, but it had no application to the question. He did not see the necessity of considering whether certain laws were constitutional or not, and we had no power to decide the question. If we went into the consideration of every objection made to the existing laws, at what time should we get through with our labors?

Mr. STERIGERE replied to some remarks urged against his motion. As to the objection that the motion was out of place, he contended that this was the suitable place, because the amendment ap
pertained to the right of suffrage. This objection he considered only as an excuse for not voting for any amendment, even where it was justly made; but the bill of rights was not so proper a place for it as this article; and, if it was adopted, he would oppose its transfer to that article. The word “restrictions” he said was as plain in its meaning as many other words in the Constitution, as to which no doubt or cavil had been raised. He defended the proposition on the ground that, without such a provision, any party having temporarily the ascendancy, can impose such restrictions on any particular election district as will promote the interests of their party. The objections which had been urged in the amendment did not apply to its principle. Those who were opposed to its principle would vote against it; but those who were in favor of it would not consider the place as material.

Mr. FULLER was not, he said, opposed to the principle of the proposition, and he did not make the objection as an excuse for not voting for it. His only objection to it was, that, as it proposed a restriction on the Legislature, it belonged to the bill of rights; and he hoped, therefore, that the gentleman would withdraw the motion.

The CHAIR stated that the question was on the motion of the gentleman from Montgomery, and he did consider many of the remarks as wholly irrelevant to the question. He expressed the hope that gentlemen would see the propriety of abstaining from remarks of a personal and political nature.

Mr. BANKS said he considered the objection to the place as insufficient. He was reminded by it of the story of a young lady, who, wishing to offer to her dancing-master some little present, as a token of gratitude, approached him rapidly and informally, in the fulness of her heart. "Bah! cried he, that is not the way. Upon a second trial, she succeeded better, and he said that will do, but the elbow is not sufficiently turned.

Now, if the gift was of an acceptable kind, he was not for asking whether the elbow was turned out or turned in. He hoped the amendment would be adopted without regard to the form and order in which it was offered.

Mr. PORTER, of Northampton, said he should be very happy, at all times, to turn his elbow in such a way as to suit the gentleman from Millin; but he could not agree with him that it was of no consequence whether the place was proper or not. The gentleman from Montgomery said he did not care where the provision was, so it was adopted. But he thought order was Heaven’s first law, and that, in this as well as other matters, was very essential. He, had always found the benefit of order in everything, and should endeavour to adhere to it in everything he was concerned in. He repelled the insinuation that this objection was an excuse for opposing the provision. Those who impeached the motives of others without just cause were generally impeachable themselves.

Mr. COX said he hoped the gentleman would remember this, when he undertook to impeach the motives of the Legislature of 1835—6.

Mr. BELL said that it was a matter of much regret, that, on every question which had the most remote connection with the politics of the city and county of Philadelphia, or where the topics which
right was not anticipated, and, therefore, not provided for—nor it was from Montgomery: its object is to forbid to the Legislature a course of partial legislation, by which the dearest rights of a portion of the people might be invaded, and subjected to intolerable restrictions: it proposes to preserve uniformity of regulation in regard to a subject where uniformity is of the utmost consequence. Under the Constitution as it stands, the General Assembly, as it is argued, and probably truly so, have the power to impose on any particular district it may select, arbitrary and unjust restraints upon the right of suffrage. Will any gentleman here say that a power so liable to abuse should be continued? Why, sir, it is easy to imagine the existence of a factitious Legislature, actuated by partisan feelings, which, listening only to the suggestions of party spirit, might, under the pretense of regulating it, be led to impose on the right of voting in a district of adverse political views, such burdens as would almost amount to disfranchisement. This, it is said, has already been done. Whether so or not, it is not now necessary to determine; it is sufficient that it might be done. A measure of this character might be hazarded against a comparatively small portion of the State, when a Legislature would not dare an imposition of the kind upon the whole people. The simple question then is, whether such authority should be less within the scope of legislative power? If gentlemen reflect, they must answer in the negative; and as the principal uses of written constitutions is to restrain improper and vicious legislation, Mr. B. trusted that members would perceive the propriety of adopting the amendment.

Mr. MCAIEN expressed the hope that the amendment would be adopted; and, if it was found to be out of its proper place, it could afterwards be transferred to another article.

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

It was fully discussed, and there was evidence before the House that frauds of such a nature and extent had been practised at the polls in Philadelphia, as to render the law necessary. That evidence was true and undisputed, and had been fully confirmed by subsequent facts. It was now ascertained that both parties in the 3d congressional district, were engaged in importing voters as a preparation for the contest.

If this allegation was true, it showed the necessity of the law. Though a large number of the citizens of the county might not be engaged in those fraudulent transactions; yet, if a small number would engage in such practices with success, our duty was to prevent them. If we had a right to pass a restrictive law of a general character, then we had a right also to pass a special law, when circumstances required it. He could not vote for the amendment of the gentleman from Montgomery. However, we could not undertake to judge for all time to come, whether any special legislation would be necessary. It was improper thus to tie up the hands of the Legislature, and prevent them from taking measures, when needful, to prevent frauds at elections. He left it to the committee to judge, whether it was fair to judge of the effect and propriety of a law from the source in which it originated. Some gentlemen had characterized that
Legislature by which the registry act was passed, as factions 1 and 1
the gentleman from Northampton (Mr. Porter) said it was a body
of peculiar character, such as never existed before, and never will
again. But I say, sir, that the Legislature of 1835-6, did more to
sustain and promote the great interests of the Commonwealth, than
any which preceded or followed it. The House of Representatives
was then composed of men of independent character, who acted
for the public good, without reference to popular effect. The Senate
was of the same character, and still remained so. The gentleman's
predictions as to the future, he did not think would be realized.
Though he had much respect for his judgment and ingenuity, he did
not think him a prophet. The gentleman had given us a history of the
revolutions of parties, and had, with much candor, acknowledged
that he had been blown about by the shifting winds, first one way
and then another.

Mr. PORTER. The gentleman mistakes.

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

The CHAIR interposed.

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

The law was made to apply to all classes, both rich and poor; and
it did not affect the rights of the poor more than it did those of the
rich. On the contrary, it seemed well calculated to give the poor
great advantages and privileges. There could be no difficulty thrown
in their way in approaching the votes. It removed obstacles to their
voting. All they had to do, was to go to the polls, tell their name,
and vote. They were called upon two or three times for their names
and then they had, besides, the privilege of going and recording
their names on the lists of their own accord. What then was com-
plained of? The rich had the same, and no greater privileges than
the poor man had. Gentlemen said that the result of the last elec-
tion proved the act to be unpopular and odious. What was the
fact? Had not the people given to the party which originated this
act a majority in this body? The majority here were composed of
the same political materials as the majority of the Legislature of
1833-6. But it was, so far as we were concerned, a matter of no
consequence, whether the act was popular or not. He should not
press this topic any further. He should vote against the amendment
offered by the gentleman from Montgomery, because it interposed
between the legislative authority and the public interests, and pro-
libited the Legislature from passing any law to regulate the district
elections, however necessary such legislation might become in any
particular district.

Mr. BROWN, of the county. Did the gentleman say, that a com-
mittee had reported the registration bill, he could not find it on the re-
cord.

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

Mr. DICKEY said Mr. Thompson gave notice, that he would
introduce a bill to regulate elections. It was introduced, made progress
in the usual form, and finally was passed into a law. That was the
course of the registration law which was so odious to some gentle-
men. It was canvassed in the newspapers from the time of its pas-
sage till the extra session; then it was revised and again passed,
after meeting every objection that gentlemen argued against it here.
I did say, sir, continued Mr. D., that I pride myself on having voted
for that law, both in the first instance, and again when it was taken up
for revision. He prided himself on being one of those who thought
it their duty to provide for the protection of the persons and lives of
their fellow-citizens, when they went to deposit their ballots at an
election. It was not the object or intention of that law to limit or
restrain the right of suffrage. Its object was to afford protection to
every one who exercised the right of suffrage. It enabled every
one to vote in quiet and peace, without molestation or apprehension.

To whom is the law odious? To those only who wish to exclude
voters from the polls by making it perilous for them to approach them:
To those who wish to see men compelled out of shape in the
crowd around the window, and then passed out of the crowd over
their heads. The object was now to repeal that law, without ex-
amination, and, on party grounds, to annul it. The gentleman from
Chester, the leader of the true democratic party, has denounced the
act, and again summoned his party to the rally.

Mr. D. said he bred and born a democrat, and he had believ-
ed that the principles which governed him were common to all de-

cratic, until experience taught him the contrary. He had supposed
that a cardinal principle of democracy was rotation in office. He was,
therefore, in favor of limiting to two terms the eligibility of any per-
son for the office of Governor, and also of limiting in like manner the
eligibility of those officers who hold their offices at his pleasure. In that,
however, he had the pleasure to act with the gentleman from Che-
ster, and he was proud to say that, with a minority, they had triumph-
antly against a majority. For his attempts, however, to carry out this
principle, which the democratic party had contended for, he was
denounced as a disorganizer of the party by the democrats here.

Mr. BAYNE interposed. He insisted that the chair was bound
to say, whether all this was in order. He had listened to those irrele-
vant discussions till he was tired of them.

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

Mr. D. replied, the gentleman need not sneeringly speak of the
majority in the Senate. He would venture a prophecy, that the Spor-
Mr. EARLE said that he hoped that no gentleman would vote against this amendment out of spite to other gentlemen. He did not believe that any one was so lost to honour and principle as to do so. He made this remark in consequence of seeing in a newspaper published in Philadelphia, (the Inquirer,) a letter written by one, who, out of courtesy, was permitted to come within the bar of the Convention, containing a vile and infamous slander upon this body. It is there stated, that this Convention adjourned on Friday last until Monday, out of personal plique to him, because he called the eyes and noses on the adjournment. This was a slander upon the Convention; for men who would be governed by such motives, would rob a hen roost, or turn traitors to follow any leader against the liberties of the country. He then went into an argument to show the unfair operation of the registry act, and its utter failure to produce the results that its friends ascribed to it. On the allegation that it preserved order, he contended that order could be better preserved without it. He had lived seven years in a district in the county, and had never known any disorderly conduct at the polls. There never was any disturbance in the small districts, and all that was necessary to be done, was the division of the large districts into small ones. The disturbances which had been spoken of occurred in the large districts: Locust ward, and the first ward in Spring Garden, where eight hundred votes were polled. To poll eight hundred votes, it would require eight hours and a half, to give every voter sufficient time, and therefore the issue was too short, and the consequences was a crowd at the polls and disorder.

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

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

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

But the gentleman from Northampton says, that the law is unconstitutional, and that it was enacted by a Legislature, which was not sustained by the people. It is true, that popular prejudice was excited against that Legislature, and he was sorry that it was so. It is true, that there has been very few such Legislatures, and he regretted the fact. But while the Legislature of last winter, that succeeded it, would sink into oblivion, or be remembered only for the imbecility of its acts, or the recklessness of its course, the Legislature of 1837-8 would stand on the annals of time as a bright model of virtue, independence and patriotism, and whose illustrious acts will form a proud era in the legislation of the Commonwealth. That Legislature received the fallen credit of the state, invigorated the system of internal improvement, repealed the state tax, and while all the efforts of the general government were directed to depress, it sustained and put on a sure basis the credit and the finances of the Commonwealth.

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

Mr. DENNY remarked, that if that Legislature had been succeeded by one of the same character, there would now have been no such bills in circulation to supply the place of specie. Specie payments would not have been suspended—it would have produced a change of policy at Washington—it would have carried out the policy it so suspiciously commenced. But the triumph of those who undertook to regulate the currency followed, and the consequences were before us.

He then went into a detail of facts, to show that the gentleman from Chester (Mr. Bell) was mistaken in his declaration that the registry act was secretly brought into the Legislature, and hastily passed. He said it was a Legislature that did no things in secret. He then exhibited the original bill as it passed, with the amendments, to show that it was reported by a committee, and passed in an open and honorable manner. He remarked that the gentleman from Chester says it was attached to a bill to which it did not belong; thus intimating that it was clandestinely passed. It was put into the election district bill, and in what bill could it be more appropriately placed? It was a long time before the House, and was well understood. It was sent to the Senate on the 13th of June, where it passed on the 16th. Thus it will be seen that the gentlemen have been mistaken; they have made charges against the Legislature which they cannot sustain.

Mr. SHELLITO said that it appeared to him to be a question whether we would permit the Legislature to put a law on the people in one part of the Commonwealth unasked for, when it was not put
on another part of the State. If the Legislature should impose any such burdens on his county, he would spurn them with indignation. Had they done this for another county? They had. That was enough. Who can tell what they may do next? He cared not what Legislature passed such an act, whether democratic, anti-masonic, or any other; he wished to put a check upon such acts.

Mr. READING said that the argument of the gentleman from Allegheny (Mr. Denny) was a strange one. He has endeavored to assimilate the registry act to the division of election districts. It was astonished that any gentleman should undertake to compare the division of districts to the addition of a qualification for voters. The gentleman has given us an eulogy on that illustrious Legislature! That illustrious Legislature! What did it do? It passed a district bill, which made its authors blush. It was a bill that no man would stand up to defend. It was glaringly unjust and unconstitutional. What else had they done? Why, they passed a bill which they were ashamed to give the proper title. They introduced a bill to incorporate the United States Bank, and were ashamed to put a name to it. This bill was passed without being asked for by the people. Yes, that illustrious Legislature, of whose glory he wished to be exempted, that illustrious Legislature, a majority of whom were of the shin-plaster party, usurped the powers of the general government, and the effects were now seen on the currency. (He then undertook to read a ten cent note, when the Chair interfered and pronounced it out of order.)

Mr. READING appealed from the decision of the Chair.

The vote being taken, the Chair was sustained.

Mr. COX remarked that as the bill was of a yellow colour, it probably belonged to the gold currency.

Mr. READING said that as he had been prevented from reading the bill, he would state the contents from memory. It was a promise "to pay ten cents, one year from date, in suckers, at the guv'rd walls, near the big dam."

Mr. BAYNE remonstrated at the course of this debate. We might as well go home at once. He did not feel it his duty to sit longer and hear it.

The CHAIR decided the debate to be out of order, inasmuch as it was not confined to the question.

Mr. SERGEANT said that he was sorry that the gentleman from Susquehanna (Mr. Read) had not been permitted to go on and finish his remarks. He was a gentleman of great legislative experience, and he was sure that he would not undertake to introduce any thing unpleasant into the Convention, to create any disorder, or wound the feelings of any one. He was only trying to amuse us—to alleviate the fatigue which is experienced by sitting here so many hours every day, by the introduction of something novel and amusing. He could not be serious, for he had too much good nature.

But there was nothing which had so bad an influence in any debatable body, as this sweeping condemnation of whole bodies and masses of men. Every public body may have its faults; and what is faultless? and every public body has its virtues. Before we upbraid before us any legislature, elected as well as ourselves, by the people, we should ask what will be our fate, should we in some future assembly be served up with condiment and garniture? What would gentlemen think, if our conduct should be held up to public scorn, and it should be said in the Legislature, that we had spent two days in discussing the question, whether there was a drunken man on the day of the election in the county of Philadelphia?

There was nothing more dangerous than to decide a great constitutional principle on such evidence as has been brought forward here in favor of this amendment. The gentleman from Northampton (Mr. Porter) thinks that such a Legislature as passed the registry act, will never sit in Pennsylvania again. If he is right, there can be no danger of another act being passed, and no reason for putting a clause in the Constitution to prevent it. The greatest objection to this amendment is, that the substance is now contained in the Constitution, and the language is nearly similar. The bill of rights declares, that "the elections shall be free and equal." What does the amendment say? "The election laws shall be equal throughout the State, and no greater or other restriction shall be imposed on the electors in any city, county or district, than are imposed on the electors of every other city, county or district." Now the question was, would either prevent the passage of a registry act? This would depend upon the decision of the question, whether it would add to the qualification of the voter, or whether it only pointed out the mode of election?—He agreed with the present President of the United States, that "the Legislature could pass a registry law, as it was no qualification of a voter." He agreed with him, not because he was a follower of that gentleman either before his election or since. He neither agreed nor disagreed with any man, unless he believed that he was either right or wrong. He believed that this sentiment expressed in the New York convention was a sound one.

If this amendment is inserted in the Constitution, it will be a needless repetition of the same thing. If the phrase in the bill of rights is too equivocal, let it be amended; but not introduce nearly the same thing into another place, to introduce confusion into the Constitution. Besides, there is doubt whether the word "equal" will convey the meaning which is intended. The word should be "uniform" instead of "equal." But is there now a uniformity in the elections? Do not the elections open at different times? Is it freedom that a feeble man should not be able to pay ten cents, one year from date, in suckers, at the guv'rd walls, near the big dam?—He agreed with the present President of the United States, that the elections shall be free and equal. The equality is subordinate to the freedom of elections. Does that man enjoy the freedom of elections who is debarred by a crowd, or tumult, or riot, from coming to the polls? Is it freedom that a feeble man should not be protected from the violence of the strong? That the aged and infirm should be driven away from the ballot boxes? There is no freedom unless the weak share equal rights, and it is the duty of a free government to take care that the rights of all are protected. Should not, then, the power rest somewhere to secure freedom? Why then take away that power? He, himself, had seen men of different parties make a bundle on the morning of the election, by which each party
CONVENTION PROCEEDINGS.

Letters addressed to the editor and publisher of this paper, on business relating to the Daily Chronicle and Convention Journal, must be post paid, or else they will not be attended to.

(Continued from Friday.)

should have equal privileges, when it was the right of all to have them. Suppose that 500 illegal votes were given at the election. Does not this destroy the rights of 500 legal voters? Perhaps they may change the result of the election, and destroy the republican principle, that a majority should rule. Every man so voting is purchased. His vote is the result of corruption, of bribery; and not only the freedom of election is destroyed, but the equality also. Shall there, then, be no power in the Legislature chosen by the people, to represent their wants, to remedy such an evil, to preserve the freedom and equality of elections, and to carry out the intentions of the Constitution? In the city of Philadelphia, the election was a holiday; there were bonfires and illuminations; the shops were sometimes closed, and the people were in great masses assembled. The excitement on the election made it necessary to impose restrictions to keep the public peace, as well as to secure to every one the right of suffrage.—For this purpose the registry act was passed. It did not affect the qualification of the voter, but only prescribed the mode of conducting the election. But whether it is a good or a bad law, here is not the place to discuss its repeal.

Mr. DICKEY remarked that the gentleman from Susquehanna has said, that the Legislature of 1833–6 had given a false title to the bill of which he complains. The true title to that bill will be found in the act. The title is—"to repeal the state tax on real and personal property, to continue and extend the internal improvements of the State, and to incorporate a State Bank, with the title of the Bank of the United States." What false title is there to this bill? That gentleman (Mr. Read) has paid the highest compliment to one of those who voted for that bill. Not longer ago than last session, that gentleman and six other anti-bank Senators voted for and elected the present Speaker of the Senate, thus saying to the world that they had the utmost confidence in one of those Senators who was a prominent Senator in the passage of that bill.

The vote being taken, the amendment was negatived by the following vote:

YEAS—Messrs. Banks, Bedford, Bell, Bigelow, Bonham, Brown

Third Article.

The Convention resolved itself into a committee of the whole, Mr. Kerr in the chair, and resumed the consideration of the reports of the committee on the 3d article.

The question recurring on the amendment of Mr. MARTIN, providing that none but "white" male citizens should possess the right of an elector,

"Provided that the right of an elector shall only be extended to "white" male electors.

The committee then rose, and the Convention adjourned.

Friday Afternoon, June 23, 1837.
Constitution, provide that the rights which have been handed down to us from our fathers, be preserved for our children? Ought we not to let the black people know that Pennsylvania does not invite them from other States—that she does not hold out a community of rights and privileges, and that she does not wish an amalgamation of the races? Give them the right to enter into politics—to stand up beside the poor white man at the polls on a perfect equality, and you degrade the laboring white man.

Besides, we have the example of other States. Commencing with the great State of Ohio, the young giant of the west, all the States to the south and west of us, except Kentucky, have a similar clause in their Constitution. In Ohio, the effect of this clause has been to discourage the emigration of the black population thither, and to fill her borders with the white emigrants from Pennsylvania. Hitherto the blacks have not been permitted to vote, although he did not know that it was strictly constitutional to exclude them. In some of the counties, they have voted. Now, our destiny depends upon the new Constitution. If this gives the right of suffrage to the blacks, they may carry the elections in some of the wards.

He believed that the different races were created for wise purposes, and the line between them so strongly marked, that it was not only unwise but unnatural to amalgamate them. A great many attempts have been made to raise both the African and Indian races to a level with the whites, and they have proved perfect failures. The Indians have been educated at our colleges, and afterwards begged from door to door, through the streets of Philadelphia, in Hebrew, Greek, and Latin, for whiskey. So in regard to the negroes. Out of the great number in the city and county of Philadelphia, he knew of but one solitary instance of an accumulation of wealth, or of respectable standing, and that was of a tailor-maker. This fact cannot be owing to the want of encouragement; for this sail-maker is esteemed in Philadelphia as much, if not more, than a white man of equal merit. Let any man walk the streets of Philadelphia, and he will want no one to tell him, that they are unfruit depositories of the rights of freemen. They have become degenerated by freedom, corrupted themselves, and were far lower in the scale of morals and industry than those in bondage.

It is only a fashionable theme for false philanthropy—a theme of idle declamation, that the African is an injured race! The translation of the savage hordes from their native sands to this country, was to them a benefit. Their condition in the southern States is far better than in their barbarous land—where naked, savage, and barbarous fathers and mothers, sell their own children into bondage. But whether it is better or worse, we did not bring them here. The fault is with England, the country where all this much philanthropy comes from. There they have overlooked the poverty, misery, ignorance, and oppression that reign through that kingdom, and sent all their sympathies abroad. They sympathize with our black population at the south, who are well clothed and well fed—while beggary, want, and wretchedness, are imported at their own doors.

But why shall we bring this population to the polls? Will it depend upon numbers, whether this free government is preserved? At the commencement of the French revolution, the number was large enough that cried, "Liberty and Equality!" The French Republic was founded—but after wading through blood and anarchy, the people of France bewailed again to a master. They were told, you are free to vote as you please; but if you do not vote for the first consul, you will be shot at the head of the regiment. It is not numbers that we want at the polls—it is an intelligent, virtuous, and independent democracy, who cultivate our hills and our valleys, who tenant our workshops, and who unfurl the American canvas in every sea. The negroes have not mind enough for freemen. They are inferior in intellect to the whites, and may become the fit instruments of some unprincipled leader to trample upon public liberty. From what parts of the world are the two races descended? The whites are from Europe, where the arts and sciences, commerce and civilization have flourished for the last eighteen hundred years. The blacks are from Africa, the land of barbarism from time immemorial—where no ray of science has ever penetrated, and where the sun of civilization has set in blackness and darkness forever.

He hoped the amendment would prevail—the purity of our elections and the destiny of freedom might depend upon our decision.

Mr. FULLER thought that the gentleman had introduced this subject at a very unlucky time. It was a very knotty subject, and should have been delayed until the close of the labours. It was evident that it was an exciting subject, and if it was put into a separate article and left to the people, it could then be acted upon.

Mr. WOODWARD said he hoped that the gentleman would withdraw it at present, and stated that a case was now before the supreme court in July whether the black men would now vote by the present Constitution, or whether it was theirs, and a state of things may follow which no one would regret. They cannot be admitted to vote without a war between the races. In the county of Philadelphia, the blacks had not hitherto been permitted to vote, although he did not know that it was strictly constitutional to exclude them. In some of the counties, they have voted. Now, our destiny depends upon the new Constitution. If this gives the right of suffrage to the blacks, they may carry the elections in some of the wards.

Mr. DICKEY asked what the gentleman from the county meant by white freemen, and whether he would exclude half breeds?

Mr. MARTIN said he could hardly think the gentleman was serious in asking the question. He was in hopes that the question would be taken now, and that no one would shrink from it.

Mr. DICKEY said that the gentleman had failed to answer the question of who were freemen? The people of the country which he represented did not expect that any such amendment would be inserted in the Constitution. He did not think the people of the county of Philadelphia wished any such amendment, and if the gentleman was not violating the will of his constituents, he was violating the principles he professed as well as the cut of his coat.

Mr. DARINGTON said that he was pleased with the proposition of the gentleman from Luzerne. (Mr. Woodward.) This subject could not be discussed without engendering much ill will. He hoped the gentleman from the county of Philadelphia, who belonged to the same society as himself, would withdraw the amendment, and wait the decision of the supreme court in July next.
Mr. FORDWARD said that he hoped that there would be no discussion of this subject, other than the remarks of the gentleman who offered the amendment. It is a question of deep interest in the community; and does any one suppose, if we insert any provision attaining, in any respect, the present Constitution, in relation to this question, that the Constitution which we submit to the people will be accepted? Should we insert a provision declaring in express terms the right of the black man to vote, or one which expressly takes it away, the whole Constitution would be voted down.

Mr. McCaHEn said that as the years and theays had been demanded, he would give some reasons that would govern his vote upon the question before the committee. He had been informed that it was a historical fact, that in the Convention of 1789—90, the committee upon that article of the present Constitution which embraces the right of suffrage, presented a report which read, that all white male citizens 21 years of age and over should be entitled to vote. Albert Gallatin, who was a member of that Convention, thought that the word white was too indefinite; that it might exclude him from the enjoyment of the rights of a voter; and upon his suggestion the word was stricken out. He, Mr. McCaHEn, apprehended that at this day, there could not be any doubt as to the meaning of the word, and we should determine at once, whether the coloured population could vote at all; leave nothing for the construction of decision of the assessors and inspectors of the elections; if they were entitled to vote in one part of the state, they should be entitled to vote in every part of it; and the assessor who neglected to assess them violated the law. No distinction should exist; but, Mr. Chairman, said he, carry out the principle; if they should be entitled to vote, place them in your jury box, elect them as members of the Legislature, and to any and all of the offices established by your laws; appoint them justices of the peace, judges of your courts, and then you may say you are real philanthropists; he confessed that there would be true republicanism in witnessing upon the bench of your supreme court the presiding judge, the offspring of Africa’s shores, sitting in brotherly and religious companionship with his white brethren, deciding upon your rights, your properties, and your lives.

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

Mr. Brown, of the county of Philadelphia, said he wished he could give a silent vote on the question, for he knew how desirous the committee had been to avoid the consideration of this subject at this time, and how anxious it now was to prevent a lengthened debate. He would say nothing to provoke a reply; but he felt the subject to be one of too much importance to give his vote upon it without giving his reasons for that vote. He had no agency in bringing it before the Convention; but, like any other subject that might come before it, he would not shirk from giving it a full consideration. No question had been decided, or would be decided by the Convention, of so much importance; being nothing less than to recognize the right of many thousand inhabitants of the State to a political equality with the rest of its inhabitants, or to deprive them of that right. This certainly was a question of too great magnitude to be satisfactorily determined thus briefly and quietly; but it was for every delegate to consider this matter for himself. The amendment of his colleague, (Mr. Martin,) he said, went to exclude from the rights of an elector all negroes and persons of color; and it had been asked by the gentleman from Beaver, (Mr. Dickey,) how it could be determined who such persons were? It would only be necessary, Mr. B., said, to refer to the Constitutions of several States in the Union, where similar provisions were found, and where no difficulty had ever occurred; besides, this question had been settled by the laws of the United States; they had defined the meaning of the terms, and had established the principle that no negro could become a citizen of the United States. But does the gentleman mean by this question, that there is no distinction, or that it cannot be settled? The gentleman from Luzerne (Mr. Woodenhead) says, the question whether the negroes were "citizens and freemen" within the meaning of the present Constitution, was now before the supreme court, and that we ought to await its decision before we made any further provision on the subject. Can it be, said Mr. B., that we ought to leave to the supreme court, or to any other tribunal on earth, the power to say who are to be "recognized as citizens and electors? This belongs to the people alone, and to them it ought to be submitted. The very fact that it is a subject of legal doubt ought to induce us to submit it to the people for their decision. It is our duty to do so, and no matter of policy ought to deter us from the performance of that duty.

Mr. B. would repeat again, that the question was one of great importance—the position that this race of people occupied in these United States, or that they were hereafter to occupy, was one that no one could look upon with indifference; and he thought it was one that ought to be settled now. The longer it was postponed, the more difficult it would be. If the committee would look back to the situation of this race at the period of the formation of the present Constitution in the United States and in this State, and compare it with the pre-
sent, they could not but see the great change that had taken place, and how necessary it was now to mark more distinctly the lines that were to separate, or the bands that were to unite them with the white race. The gentleman from Allegany (Mr. Forward) tells us it is a dangerous question to touch—that if we incorporate with our amendment the one under consideration, it will jeopardize them all.

And why? Because there are a strong party of abolitionists in the State. Is this so? Do the abolitionists aim at elevating the negro race to a political equality with the white? If this be their object, said Mr. B., the sooner the people of Pennsylvania know it the better.

He, Mr. B., had thought it was their right as human beings the abolitionists had been endeavoring to establish, not their right to a political equality. He thought it was the deprivation of their natural rights, not their social or political rights, that had called forth the sympathy and the devoted exertions of the abolitionists in their behalf. If they have other aims and objects than the restoration of the former they demand for the negro political and social equality, whatever may be the consequence, it ought to be known now, and the people of Pennsylvania would demand its avowal.

Did the framers of the present Constitution intend to extend to the negro race the rights of citizens, particularly that of an elector? Or does its provisions justify such a construction? The case alluded to by the gentleman from Luzerne shows that it is doubtful. But what has been the practice under it? Mr. B. said he had not known certainly, before he came into the Convention, that any negro had ever voted in Pennsylvania; but he had been told by gentlemen of the Convention, that there were some hundreds voted in York county peers. It was well known that great prejudices existed, in some places against negroes. It was therefore of the first consequence to them to be tried in part by those of their own colour; but when could this right be extended to them? He would leave the committee to determine. Again, said Mr. B., if we say they are citizens, and giving them the rights of an elector makes them such, they become a part of the state, and ought to bear her burdens, and assist in her defence, to be enrolled in the militia, and form a part of her armies. And if they thus fight the battles of the state, the path of honour ought to be open to them; and you should make captains, colonels, and generals of them! Can you do this? Yet said Mr. B. all this is the necessary consequence of the right of an elector, which acknowledges them as citizens. This is the higher right—the rest must follow. I ask again, are the people of Pennsylvania prepared for all this? Are they willing to break down all the barriers that divide the races, and make them in all things equal? If they are not, why hold out to them expectations that can never be realized? Why give them any reason to suppose that they are entitled to equal rights and equal privileges with the white man, when, by your laws, and the law of society, they are not, and cannot be permitted to exercise them?—Is this equality? If we are ready to grant to them political equality,
DAILY CHRONICLE AND CONVENTION JOURNAL.

SATURDAY, JUNE 24, 1837.

Mr. MAGEE presented a petition from sundry citizens of Perry county, on the subject of banks and banking. Referred.

Mr. MERKEL presented a petition from sundry citizens of the Commonwealth, proposing amendments to the Constitution, granting the trial by jury to colored persons claimed as fugitive slaves; Referred to the committee on the bill of rights.

Mr. MCGAHERN presented a petition from sundry citizens of Philadelphia county, on the subject of banks and banking. Referred.

ADJOURNMENT.

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

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

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

Mr. MANN moved that the Convention proceed to the second reading and consideration of the resolution. Agreed to—53 to 28.

Mr. PORTER, of Northampton, moved to amend the preamble by adding the following:

"And whereas there are a number of farmers in this Convention, who are anxious to go home and get in their hay and harvest."

The Chair decided that it was not in order to amend the preamble.
Mr. HEISTER was entirely opposed to the adjournment. We came here, he said, with the implied understanding that we should complete the work for which we were called together. The people expected us to go through without adjournment. It was evident also that we could make no progress now in two months as we could, after reassembling in four months. An adjournment would be attended with great expense, as he presumed that the additional mileage would be charged to the State. If we met in October, we could not expect to finish the business before the Legislature met and took possession of the hall. We should be obliged to set up another hall, here or elsewhere, at great expense. Many members, too, would be called away to other services in the autumn; and many resignations and special elections must be expected. He was certain that the people would not approve of this course, as it postponed to a very distant period the accomplishment of the purposes for which this body was convened. He did not believe, from what he had learned, that this place was unhealthy in the summer; and in the course of a month from the present time, he thought the whole business of the Convention would be completed.

Mr. KERR said he regretted that the gentleman from Montgomery had deemed it to be his duty to offer the resolution now under consideration: he had supposed that when a similar resolution for a temporary adjournment was before the Convention a week ago, a sufficient indication was then given that a majority of this Convention was opposed to any adjournment, until the business was finished for which it assembled. Will we, by passing this resolution, determine that we will adjourn on the 7th July, let the situation of our business be what it may at that time? It is said that a majority can at any time rescind the resolution, or extend the time. Admitting this to be so, then what will be gained by passing the resolution now, if the majority may, on the 6th of July, rescind it, and thereby prostrate all the preparations gentlemen may make for returning home? We have heard much said respecting that part of this body who are farmers, and the necessity of their going home to attend to their harvests, and therefore that it was proper to adjourn. It may be necessary for a few of those gentlemen to ask leave of absence for a few days; but have we not, Mr. President, heard a number of those gentlemen declare, upon this floor, that they did not desire an adjournment on their account? It is true, some members, who have occasionally been absent on leave; but as far as my observation has extended, the farmers are the most steady attenders on the business before this Convention, and that it is gentlemen belonging to another class whose seats are more frequently vacant. By passing the resolution now before us, we determine to adjourn on the 7th July, and to meet again on the 17th October next. Sir, when I took my seat in this Convention, my determination was to remain until the business we were expected to perform was finished, if that was possible. I believe the people of the State desire we should do so; at least I have every reason to believe that those whom I have the honor to represent does desire that we should. I shall, therefore, vote against this resolution, and all others to adjourn until our work is completed, unless the necessity for such a measure shall appear more manifest than it does at present; but if I am forced to choose between a final and a temporary adjournment, I am not certain but I would prefer the course proposed some time since by the gentleman from the county of Philadelphia; which was, to submit to the people a proposition simply providing for the future amendment of the Constitution, and then adjourn sine die. Yes, sir, I would be tempted to vote in favor of this course; and let us go home and tell the people that the one hundred and thirty-three delegates they had elected expressly for the purpose of submitting amendments to them for their ratification or rejection, were not able to perform the service required of us; that we could not agree upon any thing; that we could not even reach the important points on which they expected us to act, and therefore only recommend authorizing future Legislatures to propose amendments to them—to authorize that body already charged with the labor of making laws for this great Commonwealth, to perform the work we were sent here to do, but find ourselves unable to perform. But I trust we shall not be driven to this extremity, and hope the resolution may be postponed; if not, that it may be negative.

Mr. WOODWARD moved to amend the resolution by adding to it the following, after the word "July": "provided all the articles of the Constitution shall be passed through the committee of the whole on that day."

Mr. MCShERRY was in favor of the amendment. He thought it would be improper to adjourn before we went through the articles in committee of the whole.

He suggested that the Legislature might be called together in October, and we should then have no suitable place for our accommodation. He thought it would be better to go on, and consider all the propositions which were to be brought before us.

Mr. HEISTER moved to amend the resolution, by inserting the following after the word July, "provided we shall then have finished the business for which we were assembled."

Mr. PORTER, of Northampton, suggested that the amendment was not in accordance with the object of the resolution.

The CHAIR decided that the motion was in order.

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

Mr. President, I have been induced to offer this resolution to-day, for various reasons, some of which I will briefly state: In the first place, a number of delegates have leave of absence; and if this resolution should prevail, they will not avail themselves of the privilege, but will remain until the temporary adjournment; and another is, that from the course of business this week, it must be obvious nothing is to be done but making speeches. This whole week has been spent without deciding one section; this is greatly worse than any of the preceding weeks. I had hitherto believed that we intended at some distant day to do something in relation to the amendments proposed by the several committees; but I now despair. I see a settled determination with the majority to procrastinate, to delay; in
Mr. ELLISON hoped, instead of postponing the subject, to settle it now; and he made some remarks in favor of a recess, after maturing our business. After we had given the people an opportunity of examining our propositions, and had obtained their opinions upon them, we could despatch the work in a short time.

Mr. JENKS preferred that the question should be settled now; and he made some remarks in favor of a recess, after maturing our business. After we had given the people an opportunity of examining our propositions, and had obtained their opinions upon them, we could despatch the work in a short time.

Mr. J. went into some considerations in respect to the exposure of the members to disease from the nature of their labors, their departure from their usual habits, and the unhealthiness of the place, during the season. He said that one member already had the chills and fever, and others were complaining. From sickness and absence, our number would soon be reduced to a bare quorum, with which we would be improper to conduct our business. He submitted also that the people did not require from men of advanced age and heads of families, a sacrifice of their health in this service. The public interest did not demand the sacrifice.

Mr. BAYNE moved the indefinite postponement of the resolutions and amendments.

Mr. MANN asked the yeas and nays, and they were ordered.

Mr. EARLE hoped, that the motion for indefinite postponement would carry. It would take us twice as long to finish the work after an adjournment as it would take now. Upon inquiry, he was satisfied that this place was not unhealthy during the summer season; and if the gentleman from Bucks thought the members would suffer from their sedentary occupation here, he would recommend to them to resort to some gymnastic exercises.

Mr. HOPKINSON hoped that the Convention, instead of postponing the subject, would dispose of it finally, and prevent its continual recurrence and agitation. We had now been here seven weeks, and had not taken hold of any subject, which some gentlemen said were the great objects for which we came here. He did not pretend to know what we were here for. He did not know when he left home, and had not found out since he came here. There were others who knew all about it, and it seemed to him that we had so yet done nothing that the people expected of us.

If it had taken us so long to do nothing, how much longer would it require us to act on these subjects? He thought we were bound to finish our work, no matter how long a time it took, unless we had some substantial and public reason for a temporary adjournment.

That reason could not be found in the apprehension of sickness, or the desire of gentlemen to attend to their farms or their courts. We ought not to go back, without some reason that we are not ashamed of. Let us be able to say, when we are asked why we adjourned, that we have matured the propositions that we intend to offer you, and have brought them for you to look at. If we passed all the amendments through the committee of the whole, we could then adjourn, and give the people an opportunity to express their opinion upon them. He was in favor of adopting the amendment of the gentleman from Luzerne, and that amendment he would not object to the resolution. To fix a time for getting through might aid us in our progress. It was the remark of a great philosopher that "what must be done will be done." He was aware that the duty here was very severe to those accustomed to active life; but to him who had always been accustomed to sedentary pursuits, it was less so.

But why do we make the sessions so laborious? Why those afternoon sessions which impose more labour upon the members of this body than any one can stand? It was a labour which no deliberative body ever undertook before, again, to hold daily afternoon sessions: even courts of justice had abandoned them as fruitless, and too severe for the constitution of any person. If gentlemen wished to get along with the business, and at the same time preserve their health, let them abolish the afternoon sessions.

Mr. MANN accepted the amendment of the gentleman from Luzerne as a modification.

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

Mr. EARLE replied, and said that the gentleman had forgotten the prescription. If he had followed it, he would have found it as advantageous as he would the advice which he now gave.

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

Mr. FULLER withdrew the motion to postpone for the present.

Mr. CHAMBERS urged the propriety of coming to a decision on this question. It ought to be ascertained whether a majority of the Convention were of opinion that we must adjourn before we finish the work in hand. If we took a recess at all, we should consult the interest of the farmers in fixing the time. He had no farming or professional interest to attend to, and he was in favour of such an ap-
rangement as would promote the convenience and preserve the health of the members, without sacrificing the public interest. He did not think it possible for the Convention to finish their business without a recess, unless we abandoned all considerations in relation to our health. He hoped that a week hence we should be able to fix a day for the adjournment, and he moved to postpone the further consideration of the resolution till this day week.

Mr. MERRILL suggested that our health would be more exposed here in October than in July and August. The days were then warm and the nights cold, and he submitted to the faculty whether that season would not be more hazardous to us than the summer. If we adjourned at all, he hoped we should adjourn over to next spring. Mr. MANN said, as he considered a postponement as equivalent to a rejection of the resolution, he would ask the yeas and nays on the motion.

Mr. SMYTH, of Centre, opposed the resolution. He thought the best mode would be to postpone the resolution for a week; but he should oppose any adjournment before we got through the committee of the whole.

Mr. BELL was opposed to the postponement, and in favor of the resolution as amended by the suggestion of the gentleman from Lancaster.

The question was taken, and the motion to postpone was lost—yeas 28—nays 80, as follows:

YEAS—Messrs. Barlow, Chambers, Clarke of Dauphin, Clarke of Indiana, Cleaver, Cochran, Cram, Cummin, Cunningham, Dickerson, Dillenger, Donegan, Fuller, Gilmore, Kerr, Konigmecher, Magee, M'Call, M'Sherry, Merrill, Read, Ritter, Seitz, Smith, Smyth, Snively, Taggart, Young—28.


Mr. HEISTER said, as it was the rule of the Convention to take the question on the resolution, he withdrew the amendment. If we were to adjourn at all before completing the work, it was highly important that the time should be fixed. He hoped the gentleman would modify the motion so as to fix some certain day.

Mr. REIGART moved to amend the resolution, so as to provide that the Convention, when they meet in October, should meet in the city of Lancaster.

Mr. PORTER, of Northampton, said he would prefer Easton as the place of meeting, where the members of the Convention could have water without mud; fire without smoke; air without fog. It was not that he loved Lancaster less, but Easton more, that he made this suggestion. If he could not carry Easton, he would go for Lancaster.

Mr. HEISTER spoke in favor of the motion of his colleague. The motion was lost.

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

Mr. FORWARD said he did not think that it was a matter of the least importance in the consideration of the people, whether we took a recess or not; but they might object to the expense of the mileage consequent on a recess. To obviate this objection he would, at a proper time, offer a proposition to dispense with the mileage. He was not anxious for an adjournment himself; but it was important that we should know whether we should adjourn or not, and at what time. He suggested several considerations in reference to the health of the members and the public interests, which rendered a temporary adjournment expedient.

Mr. DARLINGTON agreed with the gentleman in all his views, except the idea that the people would murmur at the expense of the double mileage attending an adjournment. He did not believe the people would regard that expense at all in their estimate of the value of our work.

Mr. BANKS said the people of Pennsylvania expected every man to do his duty, here and elsewhere; and he submitted whether we should discharge our duty by sitting here till the 15th of July, and then adjourning without bringing our business to a close. He alleged that it would not. As to the expense of an adjournment, he said the gentleman from Allegheny was wholly mistaken as to the sense of the people. No one ever thought of considering considerations of dollars and cents with this question, until the gentleman suggested them. But he was opposed to the adjournment; and after the indefinite postponement of the subject a few days ago, he was sorry to see it brought up again.

Mr. DARLINGTON withdrew his motion to amend the resolution.

Mr. PORTER, of Northampton, moved to amend the resolution by striking out this place, and inserting Easton. Lost.

Mr. WOODWARD moved to strike out this place, and insert Wilkesbarre. Lost.

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

Mr. M'CALL asked for the yes and nays, which were ordered.

Mr. DICKEY said he was opposed to any adjournment. He thought we could finish the business of the Convention in nine weeks more. He believed that this place was as healthy as any in this part of the country, and he saw no indication of an unhealthy season. He hoped we should go on, and, at least, get through committee—after which we should have little difficulty. But if we did adjourn, he was in favor of meeting at Harrisburg.

Mr. MERRILL was in favor of meeting in Philadelphia.

Mr. CUNNINGHAM preferred Philadelphia to any place of meeting except Harrisburg.

Mr. BIDDLE said it would afford great pleasure to himself and
CONVENTION PROCEEDINGS.

(Continued from Saturday.)

his colleagues, and the citizens of Philadelphia, to extend the hospitalities of that city to their friends of the Convention.

Mr. CLARKE, of Indiana, said it was on account of those very hospitalities that he was opposed to going to Philadelphia. They would have the effect, he was afraid, to retard and interfere with our business. It was on this account, according to tradition, that the seat of the State government was removed from that city.

The vote then being taken on striking out "this place," and inserting "Philadelphia," it was decided in the negative, by the following vote:


Mr. HEISTER then moved to strike out the proviso at the end of the resolution.

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

Mr. WOODWARD then moved to amend the resolution, by adding the following at the end:

"Provided that all the articles of the Constitution shall have been acted upon on that day."

Mr. WOODWARD supported this amendment, and Mr. COX opposed it.

Mr. JENKS moved to postpone the amendment, together with the resolution, until one week from Monday next.

Mr. SHELLITO opposed any adjournment until something was done.

Mr. WOODWARD then modified his amendment, by striking out of the resolution all except the word "Resolved," and insert

"That this Convention will adjourn after all the articles of the Constitution shall have been passed upon in the committee of the whole, to meet again on the 19th of October next."

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

Mr. BAYNE and eighteen others then called the previous question.

The vote then being taken—shall the main question be now put?—and decided in the affirmative by the following vote:


The vote then being taken on the resolution when it was negatived by the following vote:

YEAS—Messrs. Bigelow, Brown of Lancaster, Brown of Northampton, Chandler of Chester, Chauncey, Clapp, Cleavinger, Coates, Cope, Craig, Crum, Cunningham, Curil, Forward, Foulkrod, Grenell, Hastings, Hayhurst, Jenks, Kennedy, Long, Lyons, Maclay, Mann,
MONDAY, JUNE 26, 1837.

Mr. DONAGAN obtained leave of absence for a few days.

Third Article.

The Convention went into committee, of the whole on the report of the committee on the third article of the Constitution, (Mr. KERR in the chair.)

The question being on the following amendment offered by Mr. Hayhurst:

"That all free male citizens, who, within six months before the election, may have paid any public tax."

Mr. WOODWARD said he did not believe it was the sense of the committee that a tax qualification should be retained for any other purpose than as a record of citizenship. If this was the purpose, ought it not to be extended to every one who furnished this evidence by paying any species of tax? And should not work performed on the public highways, or the payment of any township or borough tax, be taken as evidence of citizenship, as well as the payment of a shilling as a ship and county tax? Whose rights would be abridged by granting this privilege to the honest laborer, who is willing, but

unwilling to contribute to the public burthen in any other way than by personal labor, and who is ever ready, when called upon, to exert his strong arms in the defense of his country? He considered that all these services were, in fact, public taxes. He considered the proposition as reasonable and just. The class of citizens to which it is applied was small, he admitted it but it was a highly meritorious class.

Mr. HAYHURST asked the yea and nays on the question, and they were ordered.

Mr. COCHRAN was well aware, he said, that few of his constituents were opposed to many essential alterations in the fundamental law of the state. They gave a majority against the Convention but many of that majority were in favour of some amendments to the Constitution, though apprehensive that too much would be done. For this amendment, however, he should vote. After settling that this tax qualification was correct and proper, he hoped the committee, as he believed it should be, would extend it to every man who was really a citizen. He did not consider a borough tax as a public tax, and the payment of it might not be sufficient to entitle a person to vote. But, on the second reading, the amendment could be put in proper form. He would not reject the principle on account of this defect. He hoped no one who voted for the tax qualification would withhold his assent from this amendment. Some gentlemen had called this tax qualification an aristocratic feature, and had asked where it came from? But if they had lived in the twilight dawn of our democratic representative institutions, they would know that the tax qualification was the very ground work of our government. The revolution was founded on the principle that taxation and representation are inseparable: and when we dispensed with the tax qualification, we should overturn one of the main pillars of our institutions. He hoped the great principles of our fundamental law would be preserved, whatever improvements might be made in them in the progress of reform.

Mr. SCOTT said the expression "public tax" was one of doubtful interpretation, and as such to be avoided in framing a Constitution. If it was intended to include a borough tax, an assessment of any description, for any purpose, made by any borough, however constituted, it was clear that the amendment would break down that principle on which many gentlemen had already voted, who had considered the payment of a tax as important in the light of evidence of general qualification. How could the authenticity of all the countless receipts, which might be exhibited in remote parts of the state, be ascertained by judges of the elections? Was it not clear that a wide door to fraud would then be opened? And a temptation to deceit, than which it would be better to abandon all restrictions, and at once permit the officers of our Commonwealth to be elected, and her fate and fortunes to be passed upon by strangers to her interests, and aliens to her soil? But he had already stated to the committee, that, in his view, the provision of the existing Constitution did not rest upon the ground of evidence alone, but had probably been intended as a financial provision. He believed it to be the best, the most effectual, and the least oppressive mode of securing to the public the contributions due from the citizens. Under our present system, the exercise of the right of suffrage is connected in the mind of the freeman with
the payment of his contributions. The consequence was that payment to be willingly and cheerfully made: to be regarded as an honourable act, worthy of a freeman, and to be followed by the enjoyment of a high, correspondent privilege. He was unwilling to break down this principle to lessen the force of this association. And, in taking this course, he regarded himself as advocating the best interests of the lowly and the humble. It was to them of deep importance, that the property of the land should freely contribute its aid, and fully to the means of supporting those institutions upon which their peace, their liberty, their personal protection, and their domestic enjoyments rested. It was for the advantage of the poor, that those who were more fortunate should contribute in proportion to their property; an effect which would be destroyed by establishing the rule, that the payment of a single, uncertain, trifling Borough tax should give to the man of property the same right at the polls, that he now derived from his full and free contributions. Americans had always revolted against direct taxes. The machinery of investigation and collection is averse to their habits—the most profitable taxes, and those most easily collected, have always been duties on imports. The feeling is in both cases the same; they dislike compulsory payment—but associate that duty with the privilege, and make it part and parcel of the freeman's rights; and, instead of being considered a burden, it will hereafter, as it has been heretofore, be deemed dishonourable to neglect that on which the support of the government and the enjoyment of their own franchise alike depend. Substitute for this mainly sentiment the sufficiency of a borough receipt, and as to the rest, suit and collectors' distresses, and it is easy to see what will be the result. The support of the government and the real interests of those particular classes of persons for whom gentlemen affect so much anxiety. He believed that if any class of people in this Commonwealth, however humble, were assembled, and the boon was offered to them that they should enjoy the right of suffrage without contributing according to their means, that boon would be rejected with scorn. His countrymen did not require this at the hands of this Convention. They were a proud and a sturdy race of men. They loved the government which they supported, and they felt that they had a property in it, because they rendered that support. It was a free and a manly sentiment, and went far to uphold the principle of equality of rights. It was a sentiment which he was unwilling to weaken—it was honourable to the American character, and should be upheld—not broken down, as in some degree he believed it would be, by the adoption of the amendment.

The extreme cases stated in argument, were all within the power and legitimate scope of legislative action. So, too, was it in the power of the Legislature, if they deemed it proper, to render a township certificate of work done on the roads, receivable in payment of county taxes, if that work should overrun the township duty. It was unnecessary to point out the modes of relief—they did exist and could be applied. Instead of which, we were now proposing to break up the whole system, and put all the whole doctrine of evidence, of finance, and of voluntary contribution. Borough receipts might hereafter become of cheap and easy purchase, and in the course of time—for we are not framing laws for a day or a year, but for a century—troubling practice of the extremity of a state, might find it a profitable speculation to contribute to the necessities of some new-fledged borough, wherever it could be found, and purchase at the cheapest possible rates, tickets of admission to the polls of freemen. It is our duty to guard the Commonwealth against the dangers of corruption. If men were always pure and good, the labour of legislation would be light. Indeed.

Mr. Woodward said the Constitution, without the amendment, would confine the qualification to the payment of state and county taxes.

The Legislature could not, therefore, provide by law that the labour performed on the public roads should entitle any one to the right of suffrage.

The gentleman from Philadelphia last up, thinks the people will reject with scorn the proposition to relieve them from taxes. He thought so too. He believed they were willing and anxious to contribute, and they ought to contribute, even if unwilling. But they were entitled to the right of suffrage as freemen, independently of taxation. What had fallen from the gentleman did not seem to him to invalidate the argument in favor of the amendment.

Mr. Cummin was, he said, in favor of taxation, but not as a pre-requisite to the exercise of the right of suffrage.

The feeling is in both cases the same; they dislike compulsory payment—but associate that duty with the privilege, and make it part of the right of suffrage. No man ought to alienate that duty. He had himself been deprived of his vote by an arbitrary exercise of the government which they support, and show how it had been taken away under former reigns. It was to rally against the dangers of corruption.

The gentleman from Philadelphia last up, thinks the people will reject with scorn the proposition to relieve them from taxes. He had left the ground at an election, on purpose, as he believed, to prevent persons from paying their tax and voting.

He had himself been deprived of his vote by an arbitrary exercise of the power during the reign of terror.

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

Mr. Cummin said he was speaking on the right of suffrage; and he had a right to show how it had been taken away under former laws, and to show that it was our duty now to build it on a rock where it would stand firmly forever. He thought it might be permitted to give a history of the reign of terror, and of the naturalization law. The truth ought to be heard and known; and it was true, he said, that if God, in his providence, had not so ordered it that the window tax, which was imposed, had incensed the Germans of the eastern counties, our republican institutions would no longer be in existence. The naturalization act was passed in 1798. No person was permitted to avail himself of the act and become Naturalized, unless he did it before the 15th of June following in that year, and then he had to pay the sum of fourteen dollars and the charges of court. In case he did not come forward then, he was deprived of his vote for fourteen years, and then must pay a tax for it. This was the most tyrannical law that he ever heard of under any government in the world. If foreigners had been deprived of the right of voting, you, yourselves, Mr. Chairman, would not now be a freeman.

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

Another law was passed in the reign of terror—the Sedition or
gag law. No man was to be allowed to speak his mind on the subject
of the government. An army, too, was to be sent to regulate the elec-
tions. But Providence sent the people a deliverance before the pur-
pose of the friends of monarchy and unequal rights could be carried
into execution.

Another law, imposing direct taxes, was the means of overwhelm-
ing all the other arbitrary laws. The window tax, so incensed the
Citizens of York county, that they gave a majority of 8,000 for
the republican party at the ensuing election. That was the election
(said Mr. C.) when I was cut off from the right of suffrage. But
God, in his mercy—for it was not man's work—so ordered it, that
the policy of the government was changed, and the liberties of the
people preserved. He should oppose every measure which denied
a vote to any man, and he should oppose any tax qualification of
whatever kind.

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

Mr. AGNEW, though in favor of a tax qualification, was not willing
he said, to support the amendment. In regard to the meaning of the
word "public," as applied to taxes in the amendment, he stated that
when the subject was before the Convention of 1790, a proposition
was made to insert the words "public" before the words "State or
county tax;" but it was rejected as too indefinite a word. If the gen-
tleman designated each species tax in the amendment, it would be more
plausible but not to put a word of doubtful meaning in a Constitution
which was to endure for half a century or longer, and where every
word ought to be written with a pen of diamond. The gentleman who
offered the proposition, as well as the gentleman from Luzerne, ac-
sented the word public would embrace borough taxes, while the gen-
tleman who last addressed the chair said it would not. Here it was
evident that the word was not understood to have any definite mean-
ing. The gentleman from Luzerne had spoken of the word public
as being very clear in its signification, and referred to himself as be-
ing a lawyer who ought to understand the distinction between public
and private acts of legislation. (Mr. A.) was well aware of that
distinction; but would ask that gentleman who had just given it as
his opinion, that public tax would include borough too, if he were
employed to attend to the case of a client whose rights depended up-
on a charter of incorporation, whether he would not be obliged to
plead the act of incorporation, or whether the court would be obliged
to take notice of the act as a public act? The answer to this ques-
tion would show that the meaning of the word public was ascertain-
ed by the subject which it qualified, and was quite too indefinite to be
used in the Constitution. What kinds of tax might hereafter be in-
cluded in the place of public tax, it was impossible for any man to
foresee.

Mr. MEREDITH had supposed, he said, before he came back
here, that this question was settled. He was shocked to hear such
sentiments as had been advanced in this: to hear it said that the tax
qualification was an exercise of tyrannical authority. Taxation and
representation were inseparable, and it was on that principle that the
American Revolution was founded.

Mr. STERIGERE would, he said, vote for the proposition, because
he was in favor of the principle of extending the right of suffrage to
all who contribute to the support of the government. He took a brief
view of the principles and details of the amendment.

Mr. BROWN, of the county, would merely ask a question of the
gentleman from the city, (Mr. Meredith,) and the gentleman from
Lancaster, (Mr. Cochran,) when they said that taxation and repre-
sentation ought to go together. Did they mean that none should have
a voice in the election of representatives but such as paid tax? And
that the converse of the proposition was also true—that all who paid
a tax should vote for representatives? If so, then all women, aliens,
&c. who pay tax should vote, or else not be taxed. He, Mr. B., did
not know that what was meant by the "taxation and representation"
of the Revolution, had relation to the rights of individual electors.

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

Mr. SCOTT remarked, in reply to the gentleman from Crawford,
(Mr. Shellito,) who had said that he was born with a silver spoon in
his mouth, that he was born to no such good fortune. He wished
the gentleman to understand that his whole life had been one of hard
and unremitting labor, no prospect of the termination of which could
be seen. He assured the gentleman that it required all the talent and
energy which he could exert to support a large family of children,
boys and girls both, neither of whom had a silver spoon. He hoped,
therefore, the gentleman would consider him as one of the working men,
Mr. CLARKE, of Indiana, said when we got through the general principles of the Constitution, a committee composed of the best scholars should be appointed to put the instrument in form. He would, therefore, suggest to the gentleman from Columbia, that he had better not modify his amendment at present. He admitted that it was not now in its right place, nor perhaps, in its proper form, but as a majority appeared to be in favor of its principle, the vote might be taken with a view merely to determine the principle. Hereafter, the form and place of the provision could be fixed. He hoped, if the majority of the committee were determined to restore the tax qualifications, they would extend the principle of evidence a little broader; and this could not be considered as gainsaying anything that the committee had previously decided upon.

Mr. BIDDLE said—Mr. Chairman: Under the existing provisions, every man in this Commonwealth, who pays a State or county tax, is entitled to exercise the right of suffrage. Every man who enjoys property, or is capable of exercising an occupation, is a taxable inhabitant. If, therefore, he be not privileged to vote, it is because he voluntarily withholds that which every good citizen should cheerfully discharge. The amount of the tax is so small, that it is considered by all, that there are none so poor as to make it burdensome. Then who is excluded by the present provision? No one but the citizen who, partaking of all the blessings so bountifully bestowed on our country, and protected by her admirable government, with his own consent, neglects to perform his public duties. It is not the man who labours on your public highways: the very act of his working, ought also to entitle a man to vote, although it has been objected that the poor laws are not general over the whole State. There are special laws for certain counties and districts. If the amendment be modified so as to authorize all persons paying road or poor tax to vote, as well as they who paid State or county tax, I shall vote for it. The payment of this will distress no man. A laboring man pays in the country for his occupation a tax varying from ten to twenty-five cents, and this any man certainly could pay once in two years.

Mr. SHELLITO said the individual had a wife and eight small children, whom he had to support by his labor. How much he would be assessed and vote.

Mr. CHAMBERS said that the payment of a State or county tax ad been requisite as a qualification for voting, for half a century. What was proposed by this amendment?

From the remarks which the gentleman had made, it seemed to be object to include those who paid a road tax; but one who was able to a road tax, was also liable to a county tax; and, as both were laid on the same property, they had the same ability to try the one as the other. If the individual mentioned by the gentleman from Crawford county, (Mr. Shellito,) who was so intelligent, and who yet had not a right to vote, had any industry, and labored any occupation whatever, he would be assessed and vote.

Mr. BAYNE said there were some religious corporations in the State which collected taxes, and he wished to know whether the gentleman included them in public taxes. The expression seemed to him to be too indefinite, but he was in favor of the object of the amendment.

Mr. EARLE said he would ask the gentleman and others, who made these objections, how they would decide these questions, as inspectors of an election? It was not at all probable that they would admit a vote upon the evidence of the payment of a tax to a theological institution. He stated that one of the most important public
taxes in his county was the road tax, and many persons who contributed to that were excluded from voting.

Mr. FORWARD was sorry, he said, that the gentleman from Indiana had recommended it to the mover not to admit of any modification of the amendment. It was left loose and indefinite, as at present, he hoped that the committee would put their negative upon it. He regarded the tax provision merely as precautionary, and intended solely to ascertain who ought to vote—not in reference to property, but to show that he was not a pauper, nor a vagrant. Some means must have of ascertaining whether a person is entitled to a vote; and, if so, we must have a test which is equal, plain, and definite. But this amendment destroyed the test, and opened the door to the votes of every pauper and vagrant.

He then went into an argument in favor of a registry of votes, and in preference to a tax qualification. In reply that it was too much trouble for a voter to have his name put on the registry, he said it was certainly worth this small trouble. It would merge the invidious distinction between the rich and the poor. Some might find fault with it; for some would find fault with any regulation. But the Convention refrain from securing the right of suffrage against fraud, because some might complain? Some men might neglect to get themselves registered; but this was no more a reason why there should not be a registry, than the neglect of some men to attend an election was a reason against an election. The argument that men will neglect to avail themselves of the privilege of getting their names on the register, was not one that could bear investigation. He was opposed to the tax qualification, because it was not the proper evidence that a man had the right to vote. Besides this, it was no prevention of fraud.

If the elections of the country are to be carried by fraudulent and spurious votes, the confidence of the people will be lost in elections, and the end will be the subversion of the government. Suppose the parties in the nation are equally balanced, and one party, after a strenuous and heated contest, should succeed by spurious votes, can any one foretell the consequences? Suppose a party in power should pursue a system of measures injurious to the interests of the people, but be able, by the corrupt use of its patronage, to sustain itself in power by a small majority, and that majority should be owing to fraudulent votes, who would not tremble for the safety of the republic? Within the last twelve years, we have had threats that Congress would be assailed, because they did not carry out the popular will. You must then shut out corruption at the polls, as there is danger of a subversion of the government. You cannot do this with a tax qualification. It can be done with a registry of votes, and this is the best test of citizenship.

Mr. HAYHURST then modified his amendment to read as follows, viz:

"And free male citizens qualified by age and residence as aforesaid, who shall, within two years next before the election, have paid any road, poor, school, or municipal corporation tax, assessed by virtue of any law of this Commonwealth, shall also be entitled to exercise the right of an elector."

Mr. BELL said that the phraseology was altered, but the principle to which he objected was the same. The right of suffrage was an inalienable right, and ought not to be rendered cheap to its possessors.

It was this that distinguished the citizen of a land of freedom from the citizen of every other land, as every vote was a part of the government. It was this that distinguished the citizen with the support of government, you degrade the right of suffrage, and the man who exercises it. Instead of the payment of taxes being a burden to the freeman, however poor, it is a privilege. It unites the poor man, once a year, to meet his wealthy opponent upon the ground of equality, and say to him, I have borne my proportion of the expense of the government: in short, it enables him to feel the independence of a freeman; and it gives protection to the election against fraud. There was another important consideration, and that was the importance of equality. If the amendment of the gentleman from Columbia is adopted, every thing like equality is destroyed. One man may have a right to vote upon the payment of some nominal corporation tax, while the citizen of a township that imposes no such tax, cannot vote without the payment of five times the amount of the first. Such an inequality will produce dissatisfaction among the people. He had no objection that every man who paid a township or borough tax, should have the right to vote at township or borough elections; but they should not be put on an equality with those who paid a State or county tax. The right of voting ought to be concomitant with the character of the tax paid. He then referred to the New York Constitution, requiring three years' residence in the State and six months in the county, working on the highway, or the performance of military duty, before one could exercise the right of an elector. While New York gave the right of an elector without the exclusive State or county tax qualification, she required three years' residence in the State, and six months in the county. If, therefore, we pass the amendment, while we require but one year's residence in the State, and no county residence, our Constitution will be more radical than that of New York. But the greatest objection was, that it created a deep and broad distinction between the citizens of one county and those of another. It allows one man to vote on one thing, and another on another, and it is taken a long stride towards anarchy and confusion. The great variety of taxes in the several townships, boroughs, and cities, all of which are various and unequal, renders such a qualification more unequal than any that could be devised. In Philadelphia, the city tax, the state tax—in some of the boroughs, the ward taxes, and in the township the road, the school, and poll taxes, were all unequal in amount; so that a man in one part of the commonwealth could not vote without paying a much larger amount than a man in the same circumstances in another. Such a palatable inequality in the qualification of a vote was highly objectionable.

There was another reason why he should vote against it. He had advocated a reduction of the time of residence to six months; and though it had been voted down in committee, he meant to renew it on second reading. If the Convention adopts the six months' residence, it ought not to strike away the tax qualification.

Mr. EARLE replied that the argument against this amendment might have more weight, if all the taxes were not excessively uneq
A man who is poor may pay a great amount of taxes to the general government in the shape of duties on the necessaries of life, and yet be deprived from voting for the officers of the general government, while the man who pays a tax of twenty-five cents to an assessor, is allowed to vote. This tax qualification, in every respect, is unequal. The gentleman from Chester ought to carry out his principle, if it is a just one, and permit a man, who has paid a State tax, to vote only for State officers, and one who has paid a county tax, only for county officers. He should vote for the amendment as the most liberal, although he was opposed to any tax qualification.

Mr. HOPKINSON said that he would simply remind the committee of a great leading principle which had been frequently asserted on this floor. This principle was, a determination to make no alteration in the Constitution, without good and substantial reasons. He wished to remind gentlemen of this principle in reference to this amendment. The gentleman from Columbia submitted a proposition, and after it has been discussed all the morning, has given it up, and submitted another. He hoped that, unless gentlemen had such reasons as would induce them to change their opinions, they would adhere to their declaration to support no amendment not absolutely called for by public opinion.

Mr. DICKEY said he was opposed to the tax qualification altogether. He considered that every man has the right to vote who is a citizen of the State, and what delegate here will say that a citizen shall not vote? He would vote for this amendment, not because he liked it, but because it was more liberal than the state and county tax qualification, and extended the right of suffrage. Under the state and county tax qualification, unless trades and occupations are taxed, a large number of citizens will be excluded from the right of suffrage. Some future Legislature might alter the tax laws to take away the qualification. This amendment will put it out of the power of after-times to legislate men out of their votes. The state tax was repealed, and there was no state tax. Hereafter, the income of the public works, or some other income, may render county taxes unnecessary. Where, then, is the right to vote? It is lost, and the whole people of the Commonwealth are excluded. The fact, is the payment of a tax should not be the test at the polls. The right of suffrage is a personal right—a man should vote because he is a freeman. But as this amendment was better than the proposition of the gentleman from Chester, without it, he would vote for it. It extended the right of suffrage, and he should therefore vote for it.

Mr. BANKS remarked, that he did not agree with the gentleman from Chester, (Mr. Bell,) that this amendment went too far. For his part, he could not set bounds to the right of suffrage, and do justice to his feelings. He could not say, in relation to this right, "thus far thou shalt go, and no further." He did not believe that gentlemen were ready to carry out the principle, and deny to freemen the right of a vote for State officers, unless they have paid a State tax; for county officers, unless they have paid a county tax; and for township officers, unless they have paid a township tax. As it was admitted that the payment of a tax was only evidence of citizenship, should a man who paid a corporation or any other tax in Philadelphia, and produced his certificate, be debarred from voting if he should remove to the county of Erie? The fathers of the revolution, when they contended that taxation and representation should go together, never meant to exclude representation, if there was no taxation. They only determined not to be taxed, unless they should be represented. They never meant to exclude freemen from the exercise of personal rights, unless they were first taxed. Shall, then, those who have strong arms, sound heads, and warm hearts—who are ready to defend the country when invaded, be excluded from the polls on any pretence? He would not vote to deprive any man of his right of suffrage, because he might not possess anything to be taxed. All taxes may be abolished by the Legislature; the necessity for them may cease to exist. Will you deny to those who have fought the battles of the country—who have exposed their lives in the defence of freedom—who have suffered privations, and bled for the preservation of our institutions—you shall have no voice in the government, because you have no property to be taxed? It is a monstrous doctrine in a free State. But the committee seemed to favor some sort of a tax qualification, and if he could not get rid of the odious principle entirely, he would go as far as he could. On this ground, he should vote for the amendment, and support it as a choice of evils. Taxation of every sort, bad, in all ages and in all countries, been considered unequal and odious, and peculiarly so, when entirely personal. From the taxing in the time of Augustus, at the commencement of the Christian era, to the present, complaints have been made and reasonably. It drove the people to resistance in the time of William Tell of Switzerland, and in the time of the stamped taxes and the tea tax of the revolution. It was an odious basis for the right of suffrage. One gentleman remarked the other day on this floor, that the payment of a tax was "an evidence of character." If it is an evidence of character, then a man's character must be good or bad in proportion to the amount of his tax. The man who pays one hundred dollars tax, would have more character than a member of this Convention, or any other person, whose tax might be only a few, say six cents! Heaven preserve us all from such an evidence of character—from all such evidences of character as have money or property for their basis. Another gentleman has said, that an upright man who had paid his tax, would be degraded by voting at the polls with the poor man who has paid no tax! Can this be possible? Can it be that the man who does not own vessels at sea, iron works, a farm, or bank and other stocks, but who is willing to labor on the high ways—who has no money, but is willing to spare a portion of his income, which is required to support a large family—is he to be debarred from voting, because he is poor? If a man contributes his proportion to the support or comfort of the poor, does works of necessity and mercy, perhaps more than the man of property, is he not as much entitled to vote, as if he owned thousands? Certainly in the response of every manly bosom. If every man in the Convention should happen to become poor in the vicissitudes of fortune, and appear on the election ground without having paid taxes within two years—what would be his feelings if he should be told that he could not vote, because he had not contributed to the public taxes? He had not so learned democracy. He said that he had been instructed to cut off no man's vote who was honest and faithful to the Consti-
tution, and he would not vote to exclude any man from the ballot boxes, who was qualified in mind and body for an elector, and possessing the requisites indicated and mentioned. The principle contended against them is taxation, as giving the right to vote at elections by freemen, and he was opposed both to the amendment and the amendment to the amendment. The gentleman from Beaver (Mr. Banks) has taken the true ground—that is to go for the amendment or proposition, which extends the right of suffrage on tax basis, as the choice of evils, reserving the right of correcting it afterwards. He (Mr. Banks) would therefore vote for the proposition of the gentleman from Columbia, (Mr. Hayhurst,) and if it should carry, then vote against the amendment as amended, or for it, as he might think most advisable for carrying out the views indicated and expressed by him. In conclusion, he wished not to be understood as desiring that persons should be exempted from the payment of taxes in proportion to the estates or property which they possessed, but he objected to any and all propositions which would, in any event, cause the honest and honorable poor man to lose his right to vote at elections, and for no other reason than "because he had not paid taxes." His motto was, "Where liberty dwelleth, there is my country."

Mr. PORTER, of Northampton, said that the gentleman from Mifflin (Mr. Banks) and himself, would not be found to differ much when they understood each other. He then related Dr. Franklin's story of the citizen and the jack-ass, to illustrate the injustice of a property qualification.

The vote being taken, the amendment of Mr. Hayhurst was decided in the affirmative by the following vote:


Mr. MERRILL then moved to amend the amendment as amended, by adding the following to come in at the end: "and shall have resided in the district for thirty days immediately preceding the election."

The committee then rose, and the Convention adjourned until 12 o'clock.

The Convention then again resolved itself into the committee of the whole on the third article of the Constitution.

The question recurring on the amendment of Mr. Merrill, requiring a district residence, he modified it by striking out the number of days, so as to leave it blank.

Mr. MERRILL said that he offered the amendment to prevent fraud, which he considered more corrupting to the purity of elections than any thing else. When a nation was governed by a corrupt and fraudulent sovereign, it struck at the root of that nation, morality, and prosperity; in this country the people were sovereign, and when the sovereignty resided in the people, it was the duty of all to guard against all corrupting influences. Nothing ever put down fraud in any country but force. When the people believe that the elections are carried by fraudulent voters, and that the majority no longer rules, the days of liberty are numbered. A few years ago, an important election was carried by a single vote. If, at that time, it had been believed that that member of Congress had not been elected by a majority of the people of Illinois, but that he had been elected by fraud, no one can tell if it would not have ended in civil war, bloodshed, and a dissolution of the Union. If no residence in the district is required, and a rich man is running for an office, he can hire men to come into the district, and reside long enough to vote and return. Such a case may easily happen, and if it can, will it not happen? How long, then, will the people submit, when they know that the country is ruled by demagogues, elected by fraudulent voters? But it is said that some persons may lose their votes. If they should, the number will be very small, and they should not complain if it preserves the elections from fraud. Last fall, one thousand voters in Union did not vote at the general election; they lost their votes in consequence of the inconvenience of leaving their business in seed sowing. They did not complain that they lost their votes, and demand to give their votes on another day. It is impossible to regulate the elections that every man will vote. We must establish rules and regulations, and if men do not avail themselves of them, they must be contented to be represented by others who do vote, as the forty thousand are, who did not vote on the question of a Convention. But while all should be willing to be bound by the majority of honest voters who go to the polls, no one ought or will feel himself bound by a majority of those who are not voters.

Mr. DARLINGTON moved to fill the blank with sixty days.

Mr. REIGART moved to fill the blank with thirty days.

Mr. DICKEY moved to insert twenty days.

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Mr. DARLINGTON moved to fill the blank with sixty days.

Mr. REIGART moved to fill the blank with thirty days.

Mr. DICKEY moved to insert twenty days.
CONVENTION PROCEEDINGS.

(Continued from Monday.)

Mr. REIGART supported the motion to fill the blank with thirty
days, but should vote for twenty days, if thirty should not be agreed
to. It was for the purpose of getting this amendment, that he supported
the amendment of the gentleman from Columbia this morning.

Mr. BELL said that when the vote was taken this morning on
the proposition of the gentleman from Columbia, (Mr. Hogehein),
he was astonished to find some gentlemen voting for it. He now
saw the reason. One of those gentlemen has brought forward a pro-
position which puts a heavier restriction upon the right of suffrage
than now exists under the old Constitution. What is the reason
that gentlemen give for this amendment? Why, that frauds have
been committed, and votes surreptitiously obtained; and the remedy
they propose is a restriction upon the right of suffrage. If frauds
have been committed, it is owing to the judges, and not to the Con-
stitution. He had never known frauds committed in the county in
which he resided, and he never knew there but one man who swore
falsely, and who was convicted and sent to the Penitentiary. He
did not believe that frauds to any extent had ever been committed,
and he called upon the delegates from the country districts to bear
him out in the assertion.

Mr. PORTER, of Northampton, said that he had been a judge
and inspector at elections, and also a warm politician, and he had
never known votes fraudulently put in the ballot boxes. Sometimes
the judges had been mistaken in reference to the law and the facts,
but a case of fraud he had not met with. He was opposed to this
amendment from principle. If it passes and becomes a part of the
Constitution, a gentleman in Philadelphia might sell his house a
week before the election, and move across the street into another
ward, and lose his vote. The same thing would happen, if a farmer
sells his farm, and moves a mile into another township.

Mr. DICKEY said that in order to prevent these men from vot-
ing, who change their residence on the eve of the election, which the
gentleman from Northampton (Mr. Porter) proposed, he should vote
for the amendment. The clerks in the stores in Philadelphia, in
order to carry an election, ought not to be allowed to move out of
their district, and pay their boarding for forty-eight hours, vote and
change the election, and then move back again. As he stated the
other day, both parties were now importing votes to carry an im-
porant election. Such frauds impair the confidence of the people
in the elections themselves, and injure free government.

Mr. BROWN, of Philadelphia county, said he was sorry that the
county of Philadelphia was always brought into debate as the theatre
of some fraud. He believed that the citizens of that place were as
free from fraud as any other. As it respected the amendment, it
would not obviate the difficulty if frauds did exist. If the inspector
was honest, he would not take in fraudulent votes; but if he was not,
he would only ask, "Will this man vote on our side?" The amend-
ment, therefore, no preventive of fraud, while it was a restricting
upon the right of suffrage.

Mr. HEISTER could not agree with the gentleman from Chester,
(Mr. Bell), nor the gentleman from the county of Philadelphia, (Mr.
Brown) that the amendment imposed any restriction upon the right
of suffrage. It guarded it from abuse. He was in favor of a ten
day's residence. It might operate in some instances to deprive
young men, who often changed their places; but no one could feeled
any great interest in an election who had not been ten days in a dis-

Mr. DAMINGTON said that, as the amendment of the gentle-
man from Columbia had been agreed to, which allowed any man to
vote who had paid a borough, school, poor, or township tax, a dog
would be open to great fraud, unless some residence was required
in the district. It might be in the power of any corporation to assess
a tax at one cent, on the eve of an important election, in order to
control it by fraudulent votes. He hoped that the amendment would
be agreed to.

Mr. CUMMIN said, "the wicked flee when no man pursues,
but the righteous are as bold as a lion." He was not afraid of any
fraudulent votes. If a man who has lived in New Jersey came into
Pennsylvania, with an intention to reside here, he ought to have the
right to vote in one day, because he is an inhabitant of the United
States. He hoped that the gentleman would not be afraid to let any
freeman vote.

Mr. FORWARD said he had been struck with the remark of the
gentleman who had just taken his seat, that a person from New Jersey
ought to vote in one day after he came into the State of Pennsylva-
nia, because he was a citizen of the United States. He was per-
fecfly willing that it should be put on that ground, as all those who
are in favor of a residence in the State will vote accordingly. He
would not wish to deprive a man from voting somewhere, and had no
objections that a proposition should be submitted, providing that
every one should have the right in the district in which he resided
thirty days before the election. He wanted to have the fountain of
justice safely preserved from corruption. It would greatly tend to
The vote being taken on filling the blank with thirty days, it was decided in the negative by the following vote:


Mr. DICKEY said less than twenty days were insufficient to identify a person with the district in which he offers his vote.

Mr. CLARKE, of Indiana, thought ten days was quite sufficient.

Mr. AYRES and Mr. DARLINGTON expressed their views as to the length of time required.

The question was taken on filling the blank with twenty days: it was decided in the negative—yeas 40, nays 67, as follows:

**YEAS**—Messrs. Agnew, Ayres, Ayres, Banks, Barndollar, Bayne, Biddle, Chandler of Chester, Chauncey, Coates, Cochran, Coxe, Craig, Cran, Darlington, Dickey, Dickerson, Forward, Gearhart, Henderson of Dauphin, Hopkinson, Houpt, Jenks, Kerr, Konigmacher, Long, Lyons, Magee, M'Call, M'Sherry, Meredith, Merrill, Merkel, Miller, Montgomery, Pollock, Porter of Lancaster, Reihtart, Royer, Royer, Sæger, Scott, Selzer, Sergeant, President—40.


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

Mr. READ asked if it would be in order to renew the motion to hurrach for the old Constitution?

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

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

The amendment of Mr. Merrill, as amended, was then agreed to—yeas 61, nays 48.

The question being on the whole amendment, as amended, Mr. WOODWARD asked the yeas and nays, and they were ordered.

Mr. DUNLOP moved that the committee rise. Lost.

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

Mr. READ asked if it would be in order to renew the motion to impair our institutions, if the impressions are entertained by the people, that the elections are carried by fraudulent votes.

The vote being taken on filing the blank with thirty days, it was decided in the negative by the following vote:


The amendment of Mr. Merrill, as amended, was then agreed to—yeas 61, nays 48.

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


The amendment of Mr. Merrill, as amended, was then agreed to—yeas 61, nays 41.

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


The amendment of Mr. Merrill, as amended, was then agreed to—yeas 61, nays 41.

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

Sherry, Meredith, Merrill, Merrill, Montgomery, Pollack, Porter of Lancaster, Reigart, Royer, Russell, Saeger, Scott, Schizer, Sill, Snively, Sweeland, Thomas, Todd, Woodward, Young, Sergeant, President—54.


So the amendment, as amended, was lost.

Mr. BROWN, of the county, moved to strike out in the second line "one year," and insert "six months."

The committee rose, and the Convention adjourned.

TUESDAY, JUNE 27, 1837,

Mr. SELLERS presented a petition on the subject of banks and banking.

Mr. MONTGOMERI offered the following resolution, which was read and laid on the table:

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

Mr. COPE, from the committee on accounts, reported a resolution for the payment of 47 dollars to T. Penn, for printing prior to May 5th, which was considered and agreed to.

Mr. STERIGERE said we had spent a week discussing the third article, and after agreeing to various distinct propositions, had negatived them all when embraced in an amendment, all the advantages which could be derived by discussion in committee, had been obtained. He thought a further discussion now would be a waste of time and productive of no useful purpose—for the same motion would probably be made and of course taken. He would therefore move the following order.

Ordered that the committee of the whole be discharged from the further consideration of the third article.

Mr. DICKEY hoped the committee would not be discharged, as he had no doubt the subject could be disposed of.

Mr. READ said he had not yet had an opportunity to offer his amendment, and other propositions had also been excluded. The action of the committee of the whole had, therefore, not been exhausted.

Mr. KERR said he believed we would gain time by discharging the committee now, and considering the subject on the second reading.

Mr. BROWN, of the county of Philadelphia, hoped the committee would not be discharged, but would go on and finish the article. It could never be done as well as now: the whole subject was before us, and he apprehended it would soon be settled, and that with but little further debate. The experience of yesterday had certainly taught the reformers another lesson, that, to carry any measure, there must be conciliation; he, for one, was for getting what reforms could be obtained, and for getting them without unnecessary delay. The state demanded we should do something; and he hoped we would soon be able to agree on the subject under consideration, if the right spirit was invoked, and he thought it would be. He recommended the reformers to meet this and other questions in a spirit of conciliation and compromise.

Mr. BAYNE was in favour of the adoption of the order. So far as we had gone with the subject, we had built up a huge and confused pile, and then thrown it over. A different mode of proceeding ought to be adopted.

Mr. EARLE said it was evident that if we discharged the committee, we should have all our work to do over again. He called for the yeas and nays on the question, which were ordered.

Mr. REIGART made a few remarks in favour of the order.

Mr. CLARKE, of Indiana, said it was not to be expected that 133 members could come together upon any point at a single jump. It was by collision that light was elicited. We now understood each other, and a compromise of conflicting views could be effected. He was sorry that the motion came from the quarter whence it did come. It had a tendency to create an impression that the reformers could not come together.

If it had come from the conservative side of the House, he would not have been surprised at it. It was an admirable manœuvre for defeating any reform. But, if he had not known that the gentleman from Montgomery was a good democrat, he should have supposed from his votes here that he was a conservative.

Mr. STERIGERE. What votes?

The CHAIR said the gentleman was too personal.

Mr. CLARKE. I stand corrected.

No time could be saved by postponing the subject. A day or a week, in reference to such a subject, was of no account. He had read a letter this morning saying, "go on, stick to it," without regarding the time occupied in the work. He was in favor of this course, and he hoped we should proceed without interruption.

After some remarks from Mr. Darlington, on the mode of proceeding,
Mr. PORTER, of Northampton, said he was in favor of incurring the subject and going through it. He was opposed to this way of giving a matter the go-by. He did not think, however, that much debate would take place in the committee on this question.

Mr. STERIGERE made some remarks in reply to the animadversions upon his course from the gentleman from Indiana. The gentleman had not named the acts he had censured, which he thought unfair.

With the exception of one broad proposition to give a vote to every negro, and pauper, and vagrant, he had uniformly voted for every proposition of reform, which he thought rational and acceptable to the people. He would say this much in reply to what he considered the resolutions he had. This was the wish of his constituents, and it was their wish he was here to respect, and not find. was apparently the voice of the Convention that they should go again into committee on the 3d article; he would withdraw his motion.

Third Article:

The Convention resolved itself into a committee of the whole on the report of the committee on the third article, (Mr. Kerr in the chair.)

The question having recurred on the following part of the report of the committee on the third article:

"Sec. 1. In elections by the citizens, every freeman of the age of twenty-one years and upwards, who has resided in the State one year immediately preceding such election, shall be entitled to vote in the county or district in which he shall reside."

Mr. BROWN, of the county, moved to amend the report, by striking out "one year," and inserting "six months."

Mr. PORTER, of Northampton, moved to amend the amendment, as follows:

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

Mr. BROWN wished, he said, to bring in a proposition to a single six months’ residence, with the payment of a county tax. He therefore offered to modify it accordingly.

The CHAIR said the question was on the amendment to the amendment offered by the gentleman from Northampton.

Mr. BROWN withdrew his amendment, and made it as an amendment to that offered by Mr. Porter.

Mr. STEVENS greatly preferred the proposition of the gentleman from the county to that of the gentleman from Northampton. He infinitely preferred the proposition originally offered by the gentleman from Chester, with six months’ residence, and the payment of a simple county or state tax, to the ten thousand different tax qualifications proposed in the amendment of the gentleman from Northampton.

Mr. DICKEY said he should adhere to an uncompromising opposition to any tax qualification; and if the friends of reform stood fast, they could carry it. He was sorry the gentleman from the county had abandoned his original position.

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

Mr. READ called for the previous question. Lost.

Mr. EARLE said that the gentleman from Beaver would not give up his one year’s residence; and he (Mr. Earle) preferred six months with the tax, to one year without it, because the latter would exclude the greatest number of voters.

Mr. M’CAHER and Mr. HEISTER said a few words, declaring their intention to support the motion of the gentleman from the county.

Mr. CLEAVINGER declared himself to be unable to vote for a tax qualification.

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

Mr. CHAMBERS said he had a right to say what should be the qualifications of those who participate with us in choosing those who made or executed the laws; and there was in this no hardship. We
held a right to satisfactory evidence of these qualifications; and, in his opinion, a residence of six months did not furnish sufficient evidence of the intention of a person to remain in the State, not as sejourners, but as permanent residents. One year was a sufficient time, and, coupled with the exhibition of a disposition to contribute to the public burthens, by the payment of a tax, should entitle any one to participate with us in all the rights of citizenship. Mr. C. spoke, at some length, in support of these views.

Mr. BELL made some remarks on the subject, and in support of the views heretofore presented by him. He trusted that we should soon see the day, when every State in the Union would adopt the policy of admitting their fellow-citizens of their sister States to a full participation in the rights of citizenship upon very short residence.

Mr. FULLER objected to the amendment, on the ground that it retained the tax qualification, for which he could not vote under any circumstances. With regard to the years’ residence, he did not know it would be a sufficient time to enable a person to become acquainted with our policy. But six months’ residence was too short a term to identify the interests of an individual with those of this commonwealth, and to enable him to possess himself of that degree of local information, which was necessary to the intelligent discharge of the duties of a voter.

Mr. DICKEY held the same views, he said, and should embody them in a distinct proposition, if the preceding proposition failed.

Mr. FORWARD said the term of six months’ residence would not be acceptable to the people.

Mr. MERRILL insisted that persons from abroad had no right to become immediately active partners with us. He concurred with the gentleman from Allegheny, that the people would not approve of restricting the term of residence to six months.

Mr. DENNY said the people of the country would not sustain the proposition to shorten the term of residence to six months. It was not for the benefit of the two hundred thousand voters of the State, who had complied with the qualifications, to reduce the term. If we wished to encourage immigration into the State, it should be by wise and equal laws, such as he trusted we should always have.

Mr. CLARKE, of Indiana, said, in voting here on the amendment to the amendment, he should vote in accordance with his own opinion, and also of those who sent him here. He liked the proposition of the gentleman from Northampton better than that of the gentleman from the county. The people in his part of the county, as far as he had heard their opinions, thought the time of residence too long, as fixed by the present Constitution. In his part of the State, so far as he had heard any opinion expressed, one year was deemed sufficient. He had never heard six months named there. But he should vote against the amendment to the amendment, because it abridged the right of suffrage, which right his constituents thought should be extended. If the majority was determined to retain the tax qualification, he hoped it would be extended as far as possible; and, that it would also be provided, that every citizen who should reside ten days in a district, should have the right to vote there, even if he had not paid any tax.

Mr. STEIGERE said, that he had never heard six months’ residence mentioned by the people in his district. It did not suit them to receive, as voters, all the men of the other States which might be spewed out upon them. He was opposed to the reduction of the residence to six months, because it operated unequally in the different districts. It might be an advantage to the city and county of Philadelphia, because it would give the voters there the assistance of all the convicts discharged from the Penitentiary, as soon as they were out—all and all who might land on the wharves from New York, Boston, and other cities, to commit larcenies and other petty crimes.

These, after a sentence of six or eight months, would be qualified voters. Under this provision, Philadelphia and perhaps Pittsburg would have the advantage over the county population, from the causes I have mentioned.

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

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

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

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

Two modes of determining the question presented themselves. The first was to permit any body to vote. But, so far as he had heard, there was only one member who went so far as that. There was one who said that every freeman, every man not a slave, ought to be entitled to vote. The other mode was to have some limit to the right of voting, and in this the great body of the committee concurred. The question is next, "what shall this limit be?" This was a question of importance, and one which ought to be considered in an abstract form. Should we proceed by qualification or disqualification? Should we say, who shall vote, or who shall not vote? For if we had a limitation to the right of suffrage, we must have a way for ascertaining that limit. He was satisfied that we must proceed by qualification. By declaring that this qualification should be residence and taxation, we excluded all vagrants, transient persons, convicts and paupers. Mr. Sergeant proceeded, at considerable length, to discuss the relative advantage of the two modes; and to sustain his opinion that the better mode was that of qualification; and he came to the conclusion that of all these qualifications, the most useful was that of a tax, however small, and a residence combined; and the further we departed from that, the more difficult, in his opinion, would it be to get any ground to stand upon.

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

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

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

Mr. BROWN said he wished he could accede to the request of the gentleman; but as he had made his proposition to meet what mass of conglomerated provisions before us, containing every thing, Mr. BROWN said he wished he could accede to the request of....
to the institutions of the State, read the proceedings of the Legislature, and observe the operation of our laws. Before that time, they would not be able to vote understandingly. But the man who has before been a citizen, and who after has left the State, returns to it, will know more about the State in six months, than a stranger will in a year. There was, therefore, a difference. He was opposed to that part of the amendment of the gentleman from Northampton, (Mr. Porter,) which allows a man to vote upon the payment of a poor or road tax. There was no equality in these taxes. The payment of a State or county tax would exclude none from voting but absolute vagrants, and the amendment which he had offered ought to satisfy all who are not for overturning the foundations of the old Constitution, so that one stone shall not be left upon another.

Mr. PORTER said that he hoped that those who were in favor of the main principle of his amendment, would stand by it, and vote against the proposition of the gentleman from Adams (Mr. Stevens.) It could be modified by putting at the end a provision in relation to citizens who had removed from the State and again returned to it.

Mr. STEVENS remarked, that if the gentleman would modify his amendment, by striking out poor tax and road tax, he would withdraw his. There was no equality in these taxes. In some counties there was no poor tax. The poor were supported out of the county fund.

Mr. Dickey said that he should vote against the amendment of the gentleman from Adams, (Mr. Stevens,) There was one feature to it which he approved, and that was the reduction of the time of residence to six months, for persons who have been citizens of the State, but who, having removed from the State, returned to it again. But the leaving out of the poor tax and road tax, he objected to as a restriction upon the right of suffrage. He objected to any tax qualification; but if we must have one, it should be of the most liberal kind. A man who paid any tax should be allowed to vote, as it was not pretended that the tax was anything more than an evidence of citizenship.

Mr. Bell said that he did not exactly like either of the propositions before the Convention, but should vote for the amendment of the gentleman from Adams, (Mr. Stevens,) because it came nearer than the amendment of the gentleman from Northampton (Mr. Porter) to the proposition which he had the honor the other day to submit to the committee.

The vote being taken, the amendment of Mr. Stevens was agreed to by the following vote:

YEAS-Messrs. Agnew, Barnedollar, Barnitz, Bayne, Bell, Biddle, Brown of Lancaster, Butler, Chambers, Chandler of Chester, Chauncey, Clark of Beaver, Coates, Cochran, Cope, Craig, Crum, Cunningham, Darlington, Dickerson, Dillinger, Dunlop, Foulkrod, Fry, Gearhart, Henderson of Allegheny, Henderson of Dauphin, Heister, Hopkinson, Jenks, Kennedy, Konigmacher, Long, Lyons, Maclay, McDowell, M'Call, M'Dowell, M'Sherly, Meredith, Merrill, Merkle, Montgomery, Pollock, Porter of Lancaster, Reigart, Royer, Russell, Seager, Sisson, Sellers, Scecote, Still, Snively, Sterigere, Stevens, Thomas, Todd, Young, Sergeant, President—68.

Mr. Chambers then asked if the refusal of the committee to put the main question, did not put the report of the committee out of the House for the day?

Mr. Meredith said that it undoubtedly did. He then read from the Journals of the House of Representatives a precedent, when Mr. Middlesexworth was Speaker.

Mr. Porter took the ground that, although this might be the operation in the House of Representatives, it would not so operate in committee of the whole in the Convention, governed by special rules of its own. The previous question was used to cut off debate.

Mr. Clarke, of Indiana, took the same ground. He thought that common sense dictated, that it did not suspend consideration for a whole day.

The committee then rose, and obtained leave to sit in the afternoon. Adjourned.

TUESDAY AFTERNOON, JUNE 27, 1837.

The Convention again resolved itself into committee of the whole. Mr. Kerr in the Chair, on the report of the committee to whom was referred the third article of the Constitution.
The question recurring on the amendment of Mr. Porter, as amended by the amendment of Mr. Stevens, Mr. BANKS moved farther to amend the amendment by adding the following thereto:

"Provided also, that no citizen having resided in the State one year as aforesaid, and ten days thereafter in the district where he offers his vote, shall be deprived of his vote, although he has not paid any tax or taxes."

Mr. Banks supported his amendment on the ground that the right of voting was a personal right, and in no way depended upon the payment of a tax—that a tax qualification could only be justified as the evidence of citizenship; and if citizenship could be satisfactorily proved by residence, it was all that should be asked.

Mr. DENNY doubted whether the motion of Mr. Banks to amend was in order, as it in fact repeated what had been already agreed to. The CHAIR replied that the amendment was in order; the committee could judge whether it was consistent or not.

Mr. STEVENS said that the CHAIR was undoubtedly right. The amendment was in order, but wholly inconsistent with what had been agreed to. If this amendment carried, he should vote against the amendment as amended. It was not intended by this amendment, to extend any right to the honest and industrious citizen, but to men who had no occupation; who had no creditors, who had no education, and no means of subsistence. It was an attempt to court the idle, the drunkard, and the vile. The worthless drunkard vagabonds—those are the men who are to be kiss'd and hugged as the dear people—it was not the industrious laboring part of the community.

Mr. DICKY remarked that the friends of universal suffrage had been baffled, from the beginning, by ingenious amendments offered by gentlemen opposed to the principle. In the first place, an amendment was offered by the gentleman from Chester (Mr. Bell.) Then a proposition was made to amend it by another gentleman from Chester (Mr. Darlington.) Afterward, the gentleman from Adams (Mr. Stevens) suggested a modification, which was accepted by the gentleman from Chester. This course had been pursued from the commencement of the consideration of the report, so that the friends of universal suffrage had not only been baffled in their attempts to bring the report into the proper shape, but deprived of the privilege of getting a vote on the principle they contend for. The freemen of this Commonwealth have a right to vote without the payment of taxes. It is a personal and political right, and is in no way derived from the possession of property. For his part, he would not vote to deprive the inmate of the Buckeye county poor-house, who was a revolutionary soldier, from voting, because he is poor, and unable to pay taxes. He hoped the opponents of an absolute tax qualification would vote for this amendment, and afterwards get rid of the amendment of the gentleman from Northampton, as amended by the amendment of the gentleman from Adams.

Mr. MEREDITH said that if there was any question upon which the committee had expressed a decided opinion, it was in reference to a tax qualification. Wherever it had come up simply, there had been a decided majority in its favor. The gentleman from Beaver (Mr. Dickey) complains that the opponents of a tax qualification had not had a fair chance. They could make a fair test between the amendment and the report of the committee.

Mr. CUMMIN said that if he should say any thing in favor of this amendment, he was careful that he should be accused by the gentleman from Adams (Mr. Stevens) of lying in bars, and keeping company with vagabonds. At that gentleman, came from New Hampshire or Vermont, he might, perhaps, know as much about vagrants, vagabonds, and wandering Arabs, as any one. For his part, he had nothing to do with such characters; but he believed that every white man that lived in Pennsylvania, who loved his country, and was willing to turn out and hazard his life in defence of its rights, had, or ought to have, the right to vote. Is a man to lose his vote, because, by mistake, he is left out of the tax list? Is a man who has fought the battles of his country to be deprived, by the laws of that country, from voting, because he is poor? This amendment ought to pass, as it secured the rights of freemen, who, although they were called vagrants and vagabonds, were as good patriots as the gentleman from Adams. That gentleman has consumed the time of this Convention in long speeches, and offering amendments, when their only object was to embarrass the Convention, and pass away the time.

Mr. C. said that the language used by the gentleman from Adams, was low and base, and unbecoming the dignity of this Hall; that this was an assembly second to none for talent and respectability; and that he believed that every member of it wished to do what was right according to his judgment, except one who has no disposition to do any thing that is right.

Mr. DICKY said he had only to say to the gentleman from the city, (Mr. Meredith,) who has said, that those who are opposed to the tax qualification can vote against the amendment as amended, and in favour of the report of the committee, that the friends of universal suffrage first wish to amend the report itself.

He would ask one question of the chair, and that was, if it would be in order to move an amendment to the Constitution itself, after the vote was taken on the report of the committee?

The CHAIR replied that, should the question on agreeing to the report of the committee, as amended, be negatived, it would be in order to move an amendment to the section of the committee.

Mr. CHAMBERS thought that if any principle had been settled by the committee, it was that of a tax qualification. This amendment went to reverse the decision of the committee, which had been more than once made. But if there was no other objection to this amendment, its inconsistency with that just passed ought to insure its rejection.

Mr. RUSSELL would like to know what the effect of the passage of the amendment would have upon the report of the committee as amended? Being inconsistent with it, it appeared to him that it would be nugatory and void.

Mr. CLEAVINGER thought that the amendment was perfectly consistent with the report of the committee as amended. The tax he considered only an evidence of citizenship, a kind of register to furnish a list of the voters. If citizenship could be proved in another
way, then the tax qualification was useless. A tax should not be the only evidence of the right to vote. It might so happen, that no tax should be necessary. Would then, the right of voting cease?

The Legislature might pass laws exempting certain kinds of property from taxation—such, for instance, as sheep, when thousands of dollars worth were owned by men of wealth, as was now the case in the county of Washington. Should such an exemption deprive a man, whose whole property consisted in sheep, from voting? Trades and occupations might be exempted, and then no man could vote who had not in his possession taxable property. He hoped the amendment would prevail, and, in his opinion, it was not only right, but consistent with the report of the committee as amended.

The vote being taken, it was decided in the negative by the following vote:


Mr. HEISTER moved to amend the amendment by adding the following: “but no person shall vote unless in the election district where he shall have his residence.” The merit of the proposition, he said, were evident upon its face, and he should not enter into any argument in its support.

The motion was lost.

Mr. WOODWARD moved to amend the amendment by providing that all free resident males shall have the right to vote upon the payment of a road, school, poor, or corporation tax. This, he said, was the same amendment which was yesterday agreed to in the committee of the whole. He was anxious that the tax qualification, as the committee had determined to retain it, should be so extended as to embrace as many of our fellow citizens as possible.

Mr. BELL said this was the amendment which was unfortunately agreed to in the committee yesterday, by a very small majority—55 to 53. He said unfortunately, because he believed it was that amendment which broke down the whole work which we were for a week engaged upon.

Mr. BROWN, of the county, voted for the amendment yesterday, he said, and should now vote against it, for the reason which the gentleman from Chester had indicated. We had, with great pains, built up a structure which yesterday fell to the ground; and he hoped we should now build something that could stand. He would vote against this the more willingly, as the proposition requiring a district residence, which was a part of the amendment rejected yesterday, had been excluded from this.

The motion of Mr. Woodward was lost.

Mr. AGNEW moved to amend, by providing that the period of residence be confined to one year or six months next before the election. The want of this restriction is evidently an omission. As the section now reads, residence at any period of the voter’s life would entitle him to suffrage, although he might have been absent from the State for years: he withdrew it at the suggestion of Mr. Stevens, who said it was evidently an omission, but that it had better stand in this way till the second reading.

The question being on the amendment of Mr. Stevens, as amended, Mr. PURVANCE asked the yeas and nays, and they were ordered.

Mr. READ asked the Chair to decide whether, if the amendment and the report of the committee should be negatived, it would be in order to move an amendment to the original section of the Constitution?

The CHAIR replied in the affirmative.

Mr. READ. Then, sir, I hope the committee will negative the amendment, and the report of the standing committee also, if they please, and then amend the section according to a motion he should offer.

Mr. BROWN, of the county, said it must be apparent now to every one, that the committee would not, at this time, dispense with the tax qualification, nor agree to a shorter residence than one year, unless for those who had previously been citizens. Under these impressions, he considered the proposition now before us as perfect as could be made, and more so than that reported yesterday. Being otherwise
unrestricted, he therefore hoped the friends of reform would sustain it.

The question was taken and determined in the affirmative—yeas 86, nays 25, as follows:


**NAYS:** Messrs. Baldwin, Biddle, Bigelow, Chauncey, Cleavinger, Cope, Cummin, Fleming, Hopkinson, Maclay, M'Sherry, Meredith, Scott, Sergeant, President-14.

Mr. EARLE moved to amend the report by inserting a new section, to be called the second section, providing that the citizens of each ward and township should annually elect two persons as inspectors, and two or six clerks of the election, each voter for one inspec-

Mr. BROWN, after ironically referring to the course taken by the gentleman from Adams on a similar occasion, and quoting his words, said that he thought it became us, after inflicting so deep a wound as this on the old Constitution, to adjourn. He accordingly moved that the committee rise. Lost.

Mr. EARLE proceeded at some length to advocate his amendment, as well calculated, by having inspectors and clerks of both parties, not only to prevent all the frauds in taking and counting votes, but in giving the public a confidence in the purity of elections, and in the correctness of their declared results. If any objection should be made to the proposition, he would further explain— if not, he would ask the yeas and nays upon it.

Mr. DARLINGTON moved to fill the blank for the day of election with the “4th of July.” Lost.

Mr. DARLINGTON suggested the 6th of January.

Mr. EARLE moved the third Friday of March. Agreed to.

Mr. EARLE asked the yeas and nays, and they were ordered.

The question being taken, it was decided in the negative—yeas 24, nays 78, as follows:


Mr. DICKEY moved to amend by inserting a new section to be called section 4, as follows:

Sec. 4. Laws may be passed excluding from the right of suffrage persons who have been or may be convicted of infamous crimes, and persons declared non compos mentis, lunatics, and habitual drunkards. Laws shall be made for ascertaining by proper proof the citizens who...
Mr. Martin said he should be under the necessity of moving further to amend the amendment, by inserting after the word "crimes," the words "black and colored people." The motion was lost.

Mr. Banks was opposed to the amendment as it stood.

Mr. Forward moved that the committee rise. Agreed to.

The committee rose, and the Convention adjourned.

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**WEDNESDAY, June 28, 1857.**

Mr. Meredith presented a petition from sundry citizens of the Commonwealth against legislative lottery grants. Laid on the table.

Mr. Martin offered the following resolution:

Resolved, That this Convention shall adjourn on Saturday the last day of July, to meet again on the 27th of the same month. Lied over one day.

Mr. Still offered a resolution, granting the use of this hall to Mr. Holbrook, for the purpose of giving a lecture on the subject of education. Agreed to.

Mr. Meredith offered a resolution, directing that so much of the resolution of the 23rd inst. as authorises the previous question to be taken in the committee of the whole, be rescinded. Lied over.

Mr. Cope, from the committee on accounts, reported a resolution appropriating 3,000 dollars, for the payment of postage for the last month. Mr. C. stated that the postage of the Convention amounted to one hundred dollars a day. The resolution was agreed to.

**Third Article.**

The Convention resolved itself into a committee of the whole, Mr. Kerr in the chair, and resumed the consideration of the report of the committee on the 31 article.

The question being on the following amendment offered by Mr. Dickey:

Sec. 4. Laws may be framed, excluding from the right of suffrage persons who have been or may be convicted of infamous crimes. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and the Legislature shall provide by law that a register of all citizens entitled to the right of suffrage in every election district or ward.

shall be made at least ten days before any election, and shall provide that no person shall vote at any election who shall not be registered as a citizen qualified to vote at such election.

Mr. Dickey withdrew the motion, stating that he should renew it on the second reading.

The committee rose, and the chairman reported the report of the standing committee on the third article as amended.

Mr. Fuller moved that the Convention proceed to the consideration of the report of the committee on the sixth article. After some debate as to the order of proceeding, Mr. Fuller modified the motion, so as to move to take up the fifth article.

Mr. Meredith moved that the order of the day be taken up, which was the sixth article.

Mr. Porter, of Northampton, said if we went by the order of the day, the first business on the calendar was Mr. Ingersoll's report on eminent domain. After some further conversation on the order of proceeding,

The question being on the motion to proceed to the consideration of the report of the committee on the sixth article,

Mr. Mann asked the yeas and nays.

The question being taken, it was determined in the affirmative—yeas 59, nays 55, as follows:


**Sixth Article.**

The Convention resolved itself into a committee of the whole on the report of the committee on the sixth article, Mr. Chambers in the chair. The report was read as follows:

Sec. 1. Sheriffs and Coopers shall, at all times and places of election of representatives, be elected by the citizens of each county; no person shall be elected for each office. They shall hold their offices for a term of three years, and until a successor be duly qualified; but no person shall be twice elected Sheriff in any term of six years. Vacancies in either of the said offices shall be filled by
appointment to be made by the Governor, to continue until the next general election, and until a successor shall be elected and qualified as aforesaid. The certificate of the return judges of the election of Sheriff or Coroner, shall confer all the powers heretofore conferred on Sheriffs and Coroners, by the commission signed by the Governor.

Sec. 2. In every county, having for the time being five thousand or more taxable inhabitants, one person shall be elected clerk of each of the county courts of the proper county; and in every county, having for the time being less than five thousand taxable inhabitants, one person shall be elected, who shall be clerk of all the county courts of the proper county; clerks of county courts shall hold their offices for a term of three years—but no person shall be more than twice elected in any term of nine years.

Sec. 3. In every county, having for the time being five thousand or more taxable inhabitants, one person shall be elected recorder of deeds and mortgages, and one person shall be elected register of wills and testaments; and in every county having for the time being less than five thousand taxable inhabitants, one person shall be elected, who shall be recorder of deeds and mortgages, and register of wills and testaments, to hold their offices for a term of three years; but no person shall be more than twice elected in any term of nine years.

Sec. 4. One county treasurer, one county surveyor, and one notary public, shall be elected in each county, the treasurer for a term of two years, the surveyor and notary public for a term of three years; but no person shall hold the office of county treasurer more than four years in any term of eight years. The Legislature may provide, by law, for the election of so many additional notaries public, in any city or county, as shall be deemed necessary. All officers elected under this section, and under the second and third sections of this article, shall be elected at the times and places of election of representatives.

Sec. 5. Justices of the peace or aldermen shall be elected in the several wards, boroughs, and townships, for a term of five years.

Sec. 6. All officers whose election or appointment is not provided for in this Constitution, shall be elected or appointed as shall be directed by law; but no officer connected with, or appertaining to, the system of internal improvements; shall be appointed by the Governor.

Sec. 7. A State treasurer shall be elected annually, by joint vote of both branches of the Legislature.

Sec. 8. All State officers created by law, except judicial officers, shall be filled by elections, by joint vote of both branches of the Legislature.

Sec. 9. Clerks of the county courts, county surveyors, recorders of deeds, registers of wills, and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers.

Sec. 10. All officers for a term of years shall hold their offices for the term respectively specified, only on the condition that they so long behave themselves well.

Sec. 11. All officers shall give such security for the faithful discharge of their respective duties as shall be directed by law.

Sec. 12. All commissions shall be in the name and by the authority of the Commonwealth of Pennsylvania, and shall be sealed with the State seal, and signed by the Governor.

Sec. 13. No member of Congress from this State, nor any person holding or exercising any office of trust or profit under the United States, shall, at the same time, hold or exercise any office in this State, to which a salary is, or fees or perquisites are, by law annexed; and the Legislature may by law declare what State offices are incompatible.

Sec. 14. The freemen of this Commonwealth shall be armed, organized, and disciplined for its defense, when and in such manner as the Legislature may hereafter by law direct. Those who conscientiously refuse to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. 15. No person who shall hereafter be engaged in a duel, either as principal or second, shall hold any office of honor, trust, or profit, under the Constitution or laws of this Commonwealth; and the Legislature shall direct, by law, in what manner the proof of having been so engaged shall be established.

Mr. BELL moved to amend the 1st section by adding, "provided that no one elected to the office of sheriff shall exercise such office, until he shall have given security for the due execution thereof, according to law."

Mr. DORAN suggested a modification, by inserting the words "or appointed," after the word "elected."

Mr. DUNLOP suggested that the 11th section provided for security from all officers.

After some remarks from Mr. BELL, Mr. FORWARD said no one, except judiciary officers, should exercise any office, without giving security. An amendment ought to be made to cover the whole ground.

Mr. READ said the object was covered in the 11th section. The provision of that section reached the object proposed by the gentleman from Allegheny.

Mr. STERIGERE was opposed to the amendment, because he did not see any propriety of increasing the number of provisions. He thought it would be better to incorporate all the provisions on the subject of security of county offices in one section. He had drawn up a section which he should offer at a proper time.

Mr. MEREDITH said the committee, it appeared to him, had gone to too great an extent in dispensing with the commissions of the Governor. He made further objection to the 1st section, and expressed the hope that the gentleman would modify his motion, so as to meet the objections he had made.

Mr. BELL modified his motion, so as to strike out all in the report of the committee on the 1st section.

Mr. MERRILL asked for the reasons which induced the committee to report alterations in the 1st section.

Mr. READ stated the reasons for leaving out the commissions. He relieved the person elected from the trouble and expense of commision, to Harrisburg for a commission, when the object could be attained without it. When the Governor made a selection between the two persons elected sheriff, there might be some reason for him to commission the officer. But the reason for requiring that the Governor
Mr. WOODWARD said he knew of no way in which an officer could, with more certainty and convenience, be designated, than by a commission from the Governor. Mr. MERRILL was opposed to making any changes upon mere conjecture. The gentlemen from Susquehanna could foresee no evil resulting from it, and he could not point out any; but it was impossible to foresee the difficulties which might arise from the proposed change.

Mr. BROWN, of the county, asked whether it was intended to authorize the Governor to open the returns of the election before he commissioned the officers, and to judge of the correctness of the returns? If so, he was opposed to the amendment.

Mr. BELL replied that it was not so intended. He made some remarks, at some length, on the subject, giving his reasons why the Governor should commission the sheriffs. Mr. STEVENS approved of the object designed to be reached by the gentleman from Chester. He thought it would be more easily reached by inserting a single word in the Constitution — by striking out the second line of the first section of the sixth article of the Constitution, and providing that one person should be appointed, &c.

After some remarks from Messrs. Bell, Brown of the county, Steer and Forward, Mr. Stevens moved to amend the amendment by striking out the second line of the section, and inserting the words "one person shall be chosen," &c.

Mr. BELL accepted the amendment as a modification. Mr. WOODWARD suggested the word "commissioned" as more suitable than "appointed." Mr. READ modified the motion accordingly.

Mr. READ said the real question was still whether the judges should be commissioned by the Governor? He proceeded to make some remarks in support of the report of the committee. In the case of a contested election, he asked whether it was proposed to give the Governor the right to make a choice? This was not pretended. In regard to the security, he said the Governor was obliged to rely altogether on the opinion of the judges of the county as to the sufficiency of the security. What did the Governor, living here, know about the debts, liabilities, and property of the sheriff and his sureties? The Governor's commission, therefore, gave no additional security for the responsibility of the Sheriff.

Mr. MEREDITH supported the amendment. Mr. CHAUNCEY thought it proper to state, that the report of the committee on this section was not unanimous. The minority did not assent to this proposition, and some of them would be opposed to the amendment now proposed.

Mr. SCOTT made some remarks on the subject of the execution of the securities required by the existing laws. He thought it necessary that, in case the proposed alteration should be made, the provision of the existing laws should be expressly extended to the sheriffs, appointed in the manner proposed in the amendment.

Mr. AGNEW objected to the terms of the provisions of the report as too uncertain. The only objection ever made to this section was, that the Governor had power to choose between two persons elected; and he was opposed to the provisions in the latter part of the report. The only alteration required was simply to change the word "two" into "one."

Mr. READ suggested a verbal modification, which was accepted by the mover of the amendment, and said he would vote for the amendment as being substantially the same as the proposition of the committee.

Mr. HOPKINSON said he had heard no reason yet in favour of the proposed change. No practical evil had resulted from the provision of the present Constitution, and many evils might arise under the alteration proposed, some of which he suggested. He would prefer the amendment to the report of the committee, and the present provision of the Constitution to either.

Mr. HIEISTER made some remarks in support of the report of the committee, to which he gave his assent. As to the manner of commissioning the officer, he was in favor of the mode proposed by the gentleman from Chester. It was his object to take from the Governor the power of choosing between the two officers elected, and as that was gained by the amendment, he would vote for it.

The amendment was then agreed to.

The committee proceeded to consider the report of the committee in relation to the 5d section, as before given.

Mr. STERIGERE moved to amend the report by inserting the following:

**Article 6. Section 2. Strike from the report of the committee all after the words "Section 2," and insert as follows: "Prothonotaries of the courts of common pleas, registers of wills, recorders of deeds, and clerks of the orphans courts, courts of oyer and terminer, and courts of quarter sessions in each county, shall, at the times and places of election of representatives, be chosen by the citizens of such county, and commissioned by the Governor. One person shall be chosen for each office, unless the Legislature shall otherwise provide. They shall hold their offices for three years, and until successors be duly elected and commissioned, if they shall so long behave themselves well, but shall be removed by the Governor on the address of both branches of the Legislature. Vacancies in either of the said offices shall be filled by the Governor, by appointment, which shall continue until the next general election, and until a successor shall be chosen and qualified as aforesaid. Prothonotaries of the supreme court and district courts, and clerks of the mayor's courts, shall be appointed by the Governor with the consent of the Senate, to hold their offices for three years, unless sooner removed as before directed; and vacancies in such offices shall be filled by the Governor by appointment, which shall continue until another person shall be appointed and commissioned as aforesaid."**
to the report, and that was, the ratio of 5,000 taxable, making the officers separate when the number was greater, and blending them when less. In some counties, like Montgomery, the number of taxable might exceed 5,000, where some of the offices, such as the clerk of oyer and terminer, would not be worth having alone. He thought the best way was to make the offices distinct; but, at the same time, allow the people to see, if they thought proper, more than one office to the same individual.

Mr. READ remarked, that, as the Convention had passed over the fifth article, relating to the judiciary, without noticing it, it was impossible to know what to do. The report of the committee was made under the impression that the number of courts were to be reduced. On this account, the officer was denominated "clerk of the county court." It was on this ground that he voted this morning, against considering the sixth before the fifth article. The Convention could not know what to do, as it was not now known what officers were wanted.

Mr. PURVIANCE suggested to the mover of the resolution, that he had better include county surveyor and county treasurer in the list of officers to be elected by the people.

Mr. STEINBERG believed that the appointment of county surveyors had better be left with the surveyor general. With regard to the office of county treasurer, it was a responsible one, and might as well be filled by the commissioners of the counties.

Mr. PURVIANCE then moved to strike out of the amendment the words—"and commissioned by the Governor." He thought that, as the governor was not to appoint these officers, there could be no reason why he should commission them. Under the old Constitution, the Governor commissions the sheriffs; but two persons are voted for, and the Governor commissions whom he pleases. But when the people elect officers, they are the officers of the people. He was opposed to the report of the committee for several reasons, one of which was, that it fixed a ratio in relation to the division of officers.

Mr. STEVENS thought that the motion to amend, by striking out "commissioned by the Governor," ought not to prevail. The county officers were obliged to give bonds. If they were not commissioned by the Governor, who is to keep these bonds? There was also another reason. The State now derived a revenue of something like $10,000 annually in tax on commissions. Why, then, cut off this revenue? Those who held the offices were willing to take them and pay the tax.

The vote being taken on the motion to strike out—"and commissioned by the Governor"—was lost.

Mr. STEVENS then moved as an amendment to the amendment, to strike out the amendment of Mr. Steiger, together with the report of the committee, and insert in lieu thereof the following, viz: "Prothonotaries and clerks of the several courts, (except the clerks of the Supreme Court, who shall be appointed by the respective Courts for the term of three years,) recorders of deeds and registrars of wills, shall, at the times and places of election of representatives, be elected by the citizens of each county, or the districts over which the jurisdiction of said court extends, and shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The Legislature shall provide by law for the number of persons in each county who shall hold said offices, and how many and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by an appointment to be made by the Governor, to continue until the next general election, and until a successor shall be elected and qualified as aforesaid."

Mr. BROWN, of Philadelphia county, said that he should vote against the amendment of the gentleman from Adams, at present advised. The Convention have just adopted a section in relation to the election of Sheriffs and Coroners. If the amendment was negatived, he would offer a section in precisely the same words, so as to put the election of all the county officers on the same footing. The amendment of the gentleman from Adams was too complex.

Mr. STEVENS said, that he apprehended that the gentleman from the county of Philadelphia had not well considered the amendment. The election of the officers by the people, embraced in his amendment, was a new thing, and the election of Sheriffs was old. "What would be the effect of using the same language? Sheriffs were elected to perform a known duty. But these offices would sometimes have to be combined. Several would have to be held by the same person in one county, while they would be separated in others. If, in such a county as McKean, different individuals were to be elected for the several offices, a man had better be a beggar at once. It was certainly better to lay down general principles, and leave it to the Legislature to carry out the detail."

Mr. BROWN, of Philadelphia county, replied that his objections had been answered by special pleading. He then examined the amendment to show, that his objections were well founded. He also objected to the phraseology of the amendment. It said that the elections should be by the people. This was not the language of the Constitution, as used in the preceding articles. "Our elections were not by the people, but by the citizens qualified to vote. The language was altogether too loose. He hoped it would be modified and made in accordance with that of the first section, and that part giving to the Legislature the regulating the election he struck out, he should then vote for it, if it was not so modified; he should vote against it."

Mr. MERRILL said that, in regard to the phraseology, he did not think it worth while to dispute. This could be amended after the principles were settled. He objected to fixing the time during which these officers should hold their offices at three years. There were many cogent reasons why the time should be longer. If three years was the time fixed, the election of these officers would happen at the election of Governor. He did not know that officers, solely for the accommodation of the public, should be elected on party grounds, and thus embarrass the other elections of five years, he thought, would be a better time. A clerk of the court, who was accurate and skilful, not only saved the time of the court, but was important to secure a proper administration of justice. It was a matter of much consequence, that correct and proper entries were made. This office was not a political one—not one in which the rights of
Mr. READ said he believed that time would be saved if the committee would strike out three and inserting five. 

Mr. READ said that it left him in this predicament: he was obliged to vote for the proposition of the gentleman from Adams, although he did not like it, because he preferred it to the amendment of the gentleman from Montgomery.

Mr. CLARKE, of Indiana, thought that he preferred the proposition of the gentleman from Adams; and brought into view a proposition of his own, which he should offer if the amendment was rejected. He then went on to show that the phraseology of the amendment was objectionable and inconsistent with the Constitution.

Mr. DUNLOP opposed the proposition of the gentleman from Adams, (Mr. Stevens,) and brought in view a proposition of his own, which he should offer if the amendment was rejected. He then went on to show that the phraseology of the amendment was objectionable and inconsistent with the Constitution.

The committee then rose, and the Convention adjourned.
The question recurring on the amendment of Mr. Stevens to the amendment of Mr. Sterigere.

Mr. EARLE said that he had objections to both amendments, and should vote against both. He preferred the report of the committee to either. The amendments were too complex, too long, and the phraseology was objectionable. Besides, the report of the committee limited the term of eligibility, but the amendments did not. Rotation in office was the order of the day—it was the popular sentiment, and ought to be carried out. There was also another objection to the amendment of the gentleman from Adams, and that was the placing in the hands of the supreme court the appointment of its clerk. This high judicial tribunal ought to be placed above suspicion, and giving the power of appointment to it, would sully its purity and render it unpopular. As much as he disliked the old Constitution, he preferred the appointing power in the hands of the Governor to that of the judiciary. It was too much the habit of the judges to appoint their own relations. He then gave instances, and said if such a provision did pass, it ought to be amended by adding a clause prohibiting the court from appointing relations.

Mr. READ said that he held in his hand an amendment which went to limit the term of these officers to a term of six years in nine, but was prevented from offering it by the decision of the chair.

Mr. STERIGERE said that the two amendments, as now modified, assimilated to each other so much, that there were but a few points of difference. In phraseology, his amendment adhered to that of the old Constitution as much as possible, while that of the gentleman from Adams did not. The names of the officers he had not changed. The other amendment changed them. The word "prothonotary" was not used. There was another difference. The amendment of the gentleman from Adams gave the appointment of the clerk of the supreme court to the court. His amendment gave it to the Governor and Senate. He believed that public sentiment was against giving patronage to the courts. Even the framers of the old Constitution gave no patronage to the courts.

There was also another difference. His amendment pointed out a mode of removal from office, in case the incumbents did not behave themselves well; but the amendment of the gentleman from Adams had no such provision. The objection of the gentleman from Union (Mr. Merrill) to the term of three years, he thought would not weigh much with the committee. He did not believe that a majority would agree to make the term five years. It was too long to make the officer feel a responsibility to the appointing power. With regard to the suggestions of another gentleman, that the clerk of the supreme court should be elected by the people, he thought that it would be inconvenient, and had better be given to the Governor and Senate, some of the districts extend over about twenty counties.

Mr. READ remarked that it was impossible now to tell what officers it was necessary to appoint. It might so happen, when the fifth article was acted upon, which had been passed over, that the court of oyer and terminer would be united with another. It was intended by many to reduce the number of courts, and the committee was, therefore, acting in the dark.

Mr. BELL said that as but one solitary voice had been raised in favor of the report of the committee, that of the gentleman from the county of Philadelphia, (Mr. Earle,) the question was between the amendment of the gentleman from Adams, (Mr. Stevens,) and that of the gentleman from Montgomery, (Mr. Sterigere.) This one gentleman has advocated the report of the committee in consequence of a limitation of the eligibility to six out of nine years.

This doctrine of rotation in office, as understood by some gentlemen, he had no faith in. It went to limit and restrain the action of the people, and to abridge their power. Rotation in office, properly understood, did not mean to turn one man out, and to put another in. It meant no more than to give to the people the chance to put in or out as they thought proper. The people had a right to their own free choice, and this right we ought not to limit. This leading from office, without regard to the public good, or the popular will, was engendered in the hot bed of spurious politicians, and was not brought into life by the genial heat of the sun of true democracy. He was in favor of the amendment of the gentleman from Adams, because it was more perfect in itself; and also for the reasons which the gentleman from Montgomery (Mr. Sterigere) had urged against it. The Supreme Court ought to have the power to appoint its own clerk, whose officer he is. Every one agrees that this clerk cannot conveniently be elected by the people, excepting the gentleman from the county of Philadelphia, (Mr. Earle.) That gentleman measures every thing by his own county. He cannot look beyond it. This was too generally the case with gentlemen from both the city and county of Philadelphia. Even the President has told us about settling disputes at the election windows. This gentleman has seen in the city; but, in the country, no disputes are settled at the windows. When a man's vote is disputed in the country, he leaves the windows and goes before the judges, where the dispute is decided. He also approved of the provision, leaving it to the Legislature to determine the number of those offices to be held by one person. It was impossible to settle this in the Constitution. It was impossible to legislate for posterity, and, therefore, this power had better be left with the legislature.

Mr. EARLE did not understand that the vote was confined to a choice between the amendment of the gentleman from Adams and that of the gentleman from Montgomery. If any one did not like the amendment of the gentleman from Montgomery, he need not vote for the amendment of the gentleman from Adams. The best way was to negative the first amendment, and then another can be offered, in accordance with the views of the delegators. He was opposed to long terms of office. Among the framers of the old Constitution, those who were the most democratic voted for restrictions upon eligibility. Long continuance in office built up aristocratic families. A man long in office thought that he had a natural right to it, and if he was opposed, considered himself insulted. He felt like a servant upon the lands of the government, that he had a right which could not be disturbed—who is ready to shoot the man who interferes with him. There is also another objection. The amendment makes no provision for the appointment of a clerk of the mayor's court of the Northern Liberties— a court established by that Legislature which has been so extolled on this floor.
CONVENTION PROCEEDINGS.

(Continued from Wednesday.)

Mr. STEVENS said that the gentleman last up was mistaken. There was a provision for the appointment of clerk of the mayor's court of the Northern Liberties. The court was empowered to make the appointment. With regard to the objection of the gentleman from Montgomery, that there was no provision for removal, there ought to be no such provision. Officers elected by the people for a limited time, ought not to be liable to removal by the Legislature. He wished to ask one question. How will these reforming gentlemen stand on the record, if they vote against the amendment? This proposition which had been declared to be the only reform in which the people felt much interest, was to abridge the patronage of the Governor. How will the gentlemen stand who vote against it? They will stand on the record as voting against giving the election of the county officers to the people!

Mr. BROWN, of Philadelphia county, said that he should vote for the amendment, and gave his reasons for so doing.

Some conversation arose as to the order of proceeding; after which,

The question being on the amendment of Mr. Stevens, as modified by him, at the suggestion of Mr. Agnew, Mr. Brown, and others,

Mr. DUNLOP said that we were, under the course of proceeding, adopted, obliged to vote for the amendment of the gentleman from Adams, or appear before the public as hostile to the principle of giving the appointments to the people. If the appointments of the clerks were to be made by the courts, they ought to hold the office at the pleasure of the courts. There was one clerk, who held his office in Philadelphia for seven years, and, during the whole time, was never once in his office. He transacted the business by a clerk. There were some prothonotaries who could not spell scire facias to save their souls from perdition. One prothonotary he had heard of, who spelled scire facias wholly. The gentleman from Northampton said he had known a clerk who spelled 'writ' 'rit,' and 'right' 'rite.' The gentleman from the county near him then remarked, that it made no difference, as every one knew that 'rit' must be 'writ,' and 'rite' 'right.' But he would like to know how that gentleman would construe scire facias. What sort of a writ was that? It was evident that the mode of appointment by the Governor had not met the expectation of the framers of the Constitution. Incompetent men were appointed on account of their political services. He was in favor of taking those appointments from the Governor, and so far he was in favor of the amendment of the gentleman from Adams. He asked whether, as the Chair had decided that the motion of the gentleman from Adams was in order, it was in order now to appeal from that decision?

The CHAIR said it was not now in order to take the appeal; and it was further the opinion of the Chair, that the question of order could not now be raised. The time for revising the question had passed.

Mr. DUNLOP appealed from this last decision, and spoke in support of the appeal.

The question on the appeal was discussed by Messrs. Brown, of the county, Sierigern, Read, Meredith, Earle, Sergeant (President), Dunlop, Clarke of Indiana, Porter of Northampton, and the Chair.

The question was then taken, "will the committee sustain the appeal from the decision of the Chair?" And it was decided in the negative.

Mr. STEVENS still further modified his motion, so as to allow the clerks of the Mayors' Courts to be elected by the inhabitants of the cities over which the jurisdiction of these courts extends.

The committee rose, and the Convention adjourned.

THURSDAY, JUNE 29, 1837.

Mr. STEVENS presented two petitions from sundry citizens of Bradford county, for securing the right of trial by jury to every human being where his life or liberty is concerned. Referred to the committee on the ninth article of the Constitution.

Mr. COATES presented two similar petitions, which were in like manner referred.

Mr. MAGEE presented two petitions from sundry citizens of Perry county, on the subject of banks and banking. Referred.

Mr. FRY offered the following resolution, which was read: Resolved, That the subscription, by the Convention, to the Daily Chronicle, be discontinued at the end of the present month.

Mr. FRY moved the second reading and consideration of the resolution, and it was agreed to.

Mr. STEVENS moved to amend the resolution by striking out all after the word "Resolved," and inserting "that a committee be appointed to inquire into the expediency of making arrangements for discontinuing the Daily Chronicle."

Mr. BROWN, of the county, moved to amend the amendment by
Mr. STEVENS adopted the amendment as a modification of his motion.

Mr. FRY said his object was to reduce the expenses of the Convention. He had been surprised to learn that the expense of postage amounted to a hundred dollars a day, and he wished to see the expenses reduced. He, therefore, accepted the amendment as a modification of the resolution.

Mr. EARLE said the modification of the resolution would defeat its object, so far as the Daily Chronicle was concerned, unless the committee should be instructed to report to-morrow. In a few days another month would be commenced, and then we should be told that we could not discontinue paper without a breach of contract.

Mr. FULLER wished the gentleman would modify the resolution, so as to require the committee to report to-morrow in regard to the Daily Chronicle.

A long debate followed, in which Messrs. Cummin, Cunningham, Brown of the county, Merrill, Dickey, Porter of Northampton, Heister, Fuller, Chambers, Fry, Agnew, Purviance, Hopkinson, Bell, and Fleming took part.

Mr. DARRINGTON then said, that as the subject had been discussed for an hour and a half, at the expense of several hundred dollars, he would move its immediate postponement.

Mr. HEISTER said, that as that motion would not terminate the debate, he would, in order to save the remainder of the day, move the previous question.

The main question was ordered to be put, and being taken, the resolution, as modified, was agreed to—yeas 102, nays 13, as follows:


SIXTH ARTICLE.

The Convention again resolved itself into committee of the whole, (Mr. CHAMBERS in the Chair,) on the report of the committee on the sixth article.

The second section of the article was under consideration, as follows:

Sec. 2. The freemen of this Commonwealth shall be armed and disciplined for its defence. Those who conscientiously scruple to bear arms, shall not be compelled to do so; but shall pay an equivalent for personal service. The militia officers shall be appointed in such manner, and for such time, as shall be directed by law.

The section reported by the committee is as follows:

Sec. 2. In every county, having for the time being five thousand or more taxable inhabitants, one person shall be elected clerk of each of the county courts of the proper county; and in every county having for the time being less than five thousand taxable inhabitants, one person shall be elected, who shall be clerk of all the county courts of the proper county: clerks of county courts shall hold their offices for a term of three years—but no person shall be more than twice elected in any term of nine years.

Mr. STERIGERE had moved to amend the report of the committee as to the 2d section, as follows:

Strike from the report of the committee, all after the words "Section 2," and insert as follows: "Prthonomaries of the courts of common pleas, registers of wills, recorders of deeds, and clerks of the courts of oyer and terminer, and clerks of quarter sessions in
Mr. HEAD said that as we have been cramped and fettered in our proceedings on this question, he still thought there was a way to get rid of the degrading alternative of taking either one or the other of the two propositions before us. He alluded to the menace held over the committee that if they voted against the amendment, they would vote against the elective principle; and this threat had come from a gentleman (Mr. Stevens) who had proposed, on one occasion, to go into mourning on account of an alteration of the Constitution having been agreed upon by the Convention. He thought, however, there was still a way to avoid the alternative presented by that gentleman. He read and explained an amendment, which he proposed.
to offer in the place of the amendment of the gentleman from Adams, which he believed would meet the views of a majority of the committee. If the amendment pending was rejected, he should offer this:

"And they shall not hold their offices longer than six in any term of nine years."

Mr. STERIGERE said he had adhered to his amendment, as a first proposed by him, with a very slight alteration. The amendment to it offered by the delegate from Adams, had been modified by him from time to time at the suggestion and requests of other gentlemen, until it had assumed substantially the form and phraseology of the amendment he (Mr. S.) had offered, except as to the mode of appointing prothonotaries of the supreme court—the first giving the appointment of these officers to the Governor and Senate, and the latter giving it to the court. He approved of their modifications of propositions as it was moulding them to the opinions of the Convention without formal motions and votes. Mr. S. did not approve of giving the appointment of prothonotaries of the supreme court to the court. Public opinion was decidedly against it. He preferred leaving this to the Governor and Senate; but as many delegates around him were in favour of giving these appointments to the court, he was disposed to yield his own opinion in that particular, and as the amendment of the gentleman from Adams was now modified so as to be in all other respects like his own, he would accept that as a modification. He was also influenced by another consideration. The gentleman from Susquehanna (Mr. Read) and Franklin (Mr. Dunlop) and others, had expressed a desire to propose amendments to some provisions contained in both amendments, from which they were now precluded by the rules of the Convention, which he desired they should here obtain the sense of the Convention before the question was taken on the amendment pending. He therefore accepted the amendment, and modified his amendment to read as follows:

"Prothonotaries and clerks of the several courts, (except prothonotaries of the supreme court, who shall be appointed by the court for three years, if they shall so long behave themselves well,) recorders of deeds and registrars of wills, shall, at the time and places of election of representatives, be elected by the citizens of each county or district over which the jurisdiction of said courts extends, and shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well; and until their successors shall be duly qualified. The Legislature shall provide by law for the number of persons in each county who shall hold said offices, and how many and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by an appointment to be made by the Governor, to continue until the next general election, and until a successor shall be elected and qualified as aforesaid."

The supposition of the gentleman from Chester that the provision limiting the term of office would be a restriction on the people, was without foundation. It would be nothing but a voluntary restriction—a restraint; one not imposed by us, but by themselves if they see fit to adopt it.

He hoped the friends of reform, would, with one voice, negative the amendment pending in order to adopt a proposition which would be more acceptable to the people, and more satisfactory to themselves.

Mr. STERIGERE accepted the amendment of the gentleman from Adams as a modification of his motion.

Mr. READ moved to strike out the words "for the term of three years if they shall see long before themselves will," in the third line.

Mr. WOODWARD requested the gentleman to embrace in his proposition a motion to strike out the words "for the number of persons in each county who shall hold said offices."

Mr. READ declared the modification proposed. The effect of his amendment was to leave it to the discretion of the supreme court to appoint their clerks.

Mr. Dickey objected to the amendment of the gentleman from Susquehanna, (Mr. Read.) The appointment of the clerk of the supreme court, to hold his office during good behavior, was highly objectionable. It was to put an end to the appointment of officers with such a tenure, that this Convention was called by the people. He should, therefore, vote against the amendment, and in favor of the proposition of Mr. Sterigere, as modified.

Mr. DUNLOP remarked that, before the vote was taken, he should like to learn what kind of "democratic" this was? Was it "Muhlenberg democratic"? or "Wolff democratic?"

Mr. BIDDLE said that he was opposed to every unnecessary restraint on the public will. It is not enough to say, that it is a restriction imposed by the adoption of the Constitution, by the people, on themselves. It is a control over all the people to come after them.

Mr. BANKS observed that office after conferred is not manners on a man. "Worth made the man, and want of it the fellow." Whenever an officer has not done his duty, nor fulfilled the public expectations, it was right that he should be removed. No man is obliged to hold office even one term of three years; he can resign on any day he pleases, and it was an injury to him if he was removed, in comparison with the injury done to the public by his continuance, if unfit or unfaithful. If an officer at the end of six years can lay nothing up for himself, it is time that another had his place. If it is a benefit, it is not right that he alone should have it.
Mr. SELIGMAN said, that if one was to vote in reference to the arguments that had been used, he would find great difficulty in deciding how he should vote, or what he should vote for. This difficulty arose from the want of a great leading principle which had on last night of this debate, and that was, that the government is established for the benefit of the people, and that offices were obtained for the administration of the government, for the public good, and not for the benefit of the officers. He did not concede that there was any great dissatisfaction in regard to the appointing power, as at present exercised. If it had been exercised generally for the public good, he believed that the people were satisfied, and wanted no change. The gentleman from Mifflin (Mr. Banks) has built his argument on another principle. If he is right, the office is created for the benefit of the officer, and therefore a man should make money enough out of the public in six years, and retire to give another a chance. On this principle, the salaries should be increased, so as to create a chance of making money; and then, in order to give many men a chance to make their fortunes, the term should be shortened. This could not be the design of government. Such ought never to be the use of the public offices.

We have been told that it is the will of the people that the officers should be elected, and that rotation in office should be engraved on the Constitution. Now, if it is the will of the people, that will not only ought, but will be obeyed. Whenever the people will anything, nothing could prevent it—no obstacle could stand in its way. He could not tell what the public will was; but he believed that it was what was right, reasonable, and just. The best way to learn the will of the people, was to ascertain it from the ballot-boxes.

There was another way used by some persons, and that was to endeavour to shape public sentiment, and to proclaim, in advance, their opinions to be public sentiment. This has often been mistaken for public opinion, and has as often led men into error and disappointment. Some men in this republican country are continually seeking after popularity. This is not wrong, if rightly pursued. To receive public favour, and to desire the good opinion of the people, for great and virtuous actions, is commendable. When Lord Mansfield declared, that he would not run after popularity “which was gained without merit, and lost without a crime,” he meant nothing more than that popularity gained by deceiving the people. Popularity gained by conferring benefits upon the people, by performing acts of patriotism, is the highest honour for a public man. But whoever gains popularity, as generally understood, pays for it, and pays more than it is worth.

One class of officers should always be elected, and it was that class to whom was entrusted our political rights. The executive and members of the Legislature belong to this class. They represent the people, and every act generally concerns the whole people. That such officers should be elected, there was no doubt. But there were another class of officers, whose duties were ministerial, to whom was entrusted the civil rights of individuals, and whose offices were in no sense political. Take, for instance, the recorder of deeds. It was entrusted only with the business of those who make and receive transfers of property. So, the registrar of wills and clerks of the courts have no general or political power. They are entrusted only with the civil rights of individuals, many of whom are helpless widows and orphans who have no voices. When a man dies, his estate is settled, and passes through the orphans' court, and it is a matter of no importance to his children what the political opinions of the clerks in the offices are, provided the estate is honestly and
fairly settled. Cannot any one see that such officers have nothing to do with politics? The distinction between them and political officers seems to have been entirely lost sight of.

Apply the rotation in office principle to those officers, and it is irrational, because it is contrary to every man's experience in his private affairs. Suppose a man should establish a private office, in which it was necessary to employ clerks. Would he appoint a time when he would dismiss every man in his office, whether they had been faithful or not? Would he say to those who understood his business, and were able, efficient, and honest men, you must leave my employment when the finger of the clock points to such an hour? No man pursues such a course. What man applies the principle of rotation to his agents, his physician, his lawyer, or his clergyman? If any man should lay down such a principle to govern him, and dissolve his connexion with all, at a certain time, if he was not considered irrational, he would at least be thought to be very eccentric. There was another reason why these ministerial officers should not be elective. The people, as a whole, do not care enough about them. If a man goes to an office, and has his business well done, he tells his neighbors, and they may perhaps vote for his re-election. But there are ten others who have not been there, and who have perhaps been importuned to vote for another, and who vote to please an incompetent friend, without thinking of the consequences. If the records are lost through the incompetency of the register, or recorder, who is the sufferer? Not the politicians—not the whole public—but the widow, the children, and the helpless, who have no power to redress the wrong. In the city of Philadelphia, he had seen a gentleman in the recorder's office, who was a good officer, a man of integrity, in whom every one had confidence. A new governor was elected, and this faithful and competent officer was turned out, to make room for another, who was not so competent. Who suffers in such a case? The public. Who is benefitted? An individual only.

With regard to this rotation principle connected with the elective principle, he doubted whether it should be adopted, especially since he had heard from the gentleman from Mifflin (Mr. Banks) upon what it is based—to permit one man to fill his pocket out of the public money, and then let another man fill his! It would create a greater love of office, which might end at last in the destruction of the republic. This last office, growing upon what it feels, is the cause of the excitement in the elections. Add this list of officers to the election list, officers which are not political, and the elections will not turn on principles, but will be converted into a scene of strife for place and emolument. We have heard great complaint in consequence of the excitement on the election for Governor. This excitement, it is said, arises out of his patronage. But in this case the offices are to be attained by indirect means. How much more excitement will there be when the election for these offices is direct? In relation to appointments by the courts, so far as he was acquainted with them, they were better than any other. There, was besides, a great propriety in the appointment of their own clerks. The clerk acted under the eye of the court. The accountability of the officer to the appointing power was constant, and from instant to instant. But the Governor and members of the Legislature could be accountable to nothing but the people: if they inflicted upon the public an injury, it was like a steamboat explosion, suddenly known, and attended by a great noise. But an injury inflicted by an ignorant or dishonest Register, Recorder, or Clerk of the Court, was upon an humble individual. The helpless and solitary sufferer might be a man in humble life, a widow, or orphan. They must suffer silence—until one injury after another is done, before public attention is directed to the officer. These persons cannot identify their cause with the election, and if they could, the voice of suffering and injury might be drowned in the voice of party. What redress is there then? The humblest individual can lay his complaint before the Governor, and also before the Legislature, but not before the whole people.—The injured man or woman would appeal here in vain; for there the appeal would not be understood or heard above the din of party strife. This was a consideration of great importance, and ought to have weight in the decision of the committee.

Mr. FULLER said that he had some doubts in relation to the restriction to two terms. He was not sure that it ought to prevail. He should vote for the amendment of the gentleman from Montgomery, (Mr. Sterry,) as modified, but he did not know that any restriction should be put upon the action of the people. He differed with the President of the Convention (Mr. Sergeant) in relation to rotation in office. He thought that it was congruent with the principles of republican government. He was willing that the people should have the sole power of election, and he did not doubt that they would carry out the principle of rotation. He thought that the people should elect all officers when it was practicable. They were the best judges of their own servants. With regard to the danger of injury to the property of widows and orphans, he thought that there need be no fears. Every man who voted for these officers, voted under the idea that his own rights as well as those of his children might be involved in the choice. In an appointment by the Governor, the choice is made by one man, who has no interest to appoint good officers but his own popularity. But in an election by the people, the whole community is interested, not in their political advancement, but in having honest, competent, and faithful officers. Five thousand interested individuals, he believed, would select better men than one man who was not immediately interested.

Mr. DORAN said that, until he had heard the remarks of the President of the Convention, he had not believed that there was a single member who did not believe that the patronage of the Governor ought to be curtailed. He considered that patronage more unlimited and more uncontrolled, than that of the King of Great Britain and Ireland. There, nothing could be done without the consent of the Privy Council; but in the free State of Pennsylvania, the Governor is the sole fountain of power, and dispenses favours to whom he pleases, without limit and without control. Such power is dangerous in the hands of any one man; and he invoked the aid of Whigs, Democrats, and Anti-masons, to aid in limiting this power.

Before Mr. DORAN concluded his remarks, the committee rose and the Convention adjourned until 4 o'clock.
Mr. STEVENS asked leave to make a motion, which, requiring two-thirds, was lost—there being 57 ayes, and 48 noes. The following is the committee announced by the Chair on the subject of the Daily Chronicle—Messrs. Fry, Stevens, Porter of Northampton, Dickey, and Brown of Philadelphia county.

The Convention again resolved itself into the Committee of the whole on the sixth article of the Constitution, Mr. CHAMBERS in the Chair.

Mr. DORAN resumed his remarks. The State of Pennsylvania, having a territory equal in extent to that of England and Ireland, and containing a population equal to half that of the whole United States, before the revolution, had elected delegates to revise a Constitution which was made forty-seven years ago, and which experience has proved to be defective in several particulars, and behind that liberal spirit which distinguished the free institutions of the age. It was the duty, then, of every delegate, to endeavor to carry out the popular will.

The old Constitution has failed to preserve good officers. "Where could you find a person best qualified to perform the duties. The question is never asked—is he honest? Is he capable? Is he faithful to the Constitution? But has he been an active partisan in my favor? Can he bring over to the party a large family influence?" This sunshine of gubernatorial favor, which always falls on a favored few, falls not on the competent, the honest, and unpretending individual; but often on the ignorant, the deceitful, and the easy partisan, whom the people would never elect to any office. It has happened that these appointments are the result of bargains between politicians and the candidate for Governor, before the election. "If you get yourself elected delegate to the Convention, and nominate me for Governor, I will appoint you to such an office," may be the proposition put to politicians all over the State. Or, perhaps the claim may be set up—"I have supported your election by such and such means, and I claim my reward," may be the passport to office.

The question again recurring on the amendment of Mr. Read, to the amendment of Mr. Stronge, as modified, Mr. MERRILL said that this proposition to restrict the people in their choice and limit their action, did not seem to arise from a fear that a bad officer would be re-elected, but that a good one might be continued by the people. During the last year, one could not open a newspaper of a certain party, without the word "two terms." There was some reason for restricting and limiting the eligibility of a Governor, but none for these mere ministerial officers. The Governor is the chief officer in the Commonwealth. He has herefore been clothed with great power. His patronage has been very extensive, and it might be used to perpetuate himself in power, and change the form of government. This is the reason why the Governor should be limited. But no such reason can exist in reference to members of Assembly, members of the Senate, members of Congress, and least of all in reference to the small officers connected with the courts.

They have no power—no patronage, and have nothing to do in shaping the political affairs of the country. Why, then, not let the people have their own way, and elect or reject whom and when they please? Every one knows that after a man has held office, he is spoiled generally for other business. Do these gentlemen wish a great number of men spoiled, and then thrown out of employment? Such officers as registers of wills and recorders of deeds are especially the officers of the people. None of their duties are in any way connected with politics, but relate to the business affairs of life. Such
Mr. Chairman, it seems to be generally conceded that these officers should be elected by the people, and I shall take it for granted, that hereafter they will be. On this subject, therefore, I have nothing particularly to say. But, sir, if they are to be elected by the people, why restrict the people in their choice? Restrictions are imposed on power for the benefit of the people. Departments of government, and officers charged with high duties, and having discretionary power in their exercise, are properly restrained. The restraint is imposed for the security and benefit of the people; but here it is proposed to impose a restriction on the people themselves. You shall elect your county officers, but you shall not elect those whom experience in the office has qualified for your purposes. Notwithstanding your confidence in your prothonotary, your register, or your recorder, you shall be compelled to surrender him at fixed periods, and take some new, inexperienced, and less efficient individual in his stead.

This, sir, is the language which the gentleman’s amendment holds to the people. And he requires them to assume this self-restraint, or else to re-elect all the amendments which we may offer to their acceptance in connection with this one. I am not willing thus to embarrass the people, and restrict the free exercise of their sovereign will. I am not inclined to distrust them. I am for giving them the election of these county officers unrestricted and without qualification. If they see the necessity for a limitation, they will impose a practical one by refusing to elect the same officer more than twice. Why attempt, then, to bind the will of the people by parchment regulation? It is vain, sir, it is wrong.

Can the gentleman from Susquehanna (Mr. Read) assign any reason why the people should not be permitted to re-elect a man after six years’ experience in one of these offices with which we are now dealing, which would not apply in all its length, and breadth, and strength against their right to elect him at all? There may be many reasons why the officer should not be re-elected, and there may be some why he should be. Let the people weigh these and decide. But what reason is there for denying them the right at the end of six years to judge whether their interest require a continuance or a removal of the officer?

Mr. Chairman, perhaps there is no stronger stimulus to official diligence and integrity, than a prospect of reward at the hand of the people. Let the officer feel each moment of his official existence, and in the discharge of every duty that the public favour may be available to him, and he will strive to deserve and attain it. These offices are now under consideration mix in largely with the business transactions of every man in society. Every citizen of the county becomes acquainted with the qualifications of the incumbents of these offices, and by doing business with them is able to judge whether he is fit to be continued or not. The officer knows that his character is undergoing daily scrutiny, and that the judgment of the people, on the clearest evidence, their own observation, is about to be made up in reference to him, and expressed through the ballot-box. Can he have any stronger incentive to a faithful discharge of his duties? Can you place before him any more powerful motive for good behaviour? But this amendment strikes this motive out of the view of the officer after his first term. It robs the people of the benefits which they would
(Continued from Thursday.)

derive from this strong impulse operating on their public servant. Sir, I cannot support it. I want these offices well filled and faithfully administered. I would continue before the eyes of the officer the value of public approbation, and cultivate his emulation to attain it.

I trust, Mr. Chairman, that the worthy gentleman who offered this amendment did not duly consider its consequences. I hope he will withdraw it. Let him re-examine his ground, and perhaps he will not press the subject, when he shall have considered maturely all the circumstances and interests which pertain to it.

Mr. PORTER, of Northampton, said that the doctrine of rotation in office was a republican one: that as power had a tendency to corruption, it was one of the principles of all republican governments, that all power, which the sovereign people delegated to individuals, should, at stated periods, be returned to them. Although all power tended to corruption, in consequence of the infirmities of human nature, yet it did not necessarily follow that every person to whom power is committed becomes actually corrupted, or abuses the trust reposed in him; therefore, when the trust was thus restored, or the delegated power returned to the people, they either re-delegated it to the same individuals, or conferred it on others found to be more worthy. This was the true doctrine of rotation in office, and left the people perfectly free to reward merit, or discharge incompetency or dishonesty. Rotation in office did not mean that the people must discharge faithful servants at a given time, whether there was any occasion for it or not: it only intended to give the people the right, at stated periods, to review and pass upon the conduct of their servants. It would not be deemed proper to compel a merchant to discharge his clerk, whom he hired from year to year, at the end of three or six years, whether he satisfied him or not, and compel him to try another; and it would be equally improper to compel the people to do so: it should be left to their own free will. I am opposed to putting such a constraint upon the people, and I confess I did not expect to see such a proposition finding favor with those radical gentlemen, who seemed so horrified at the proposition which I stated yesterday, and now state again—Mr. Banks explained: he said that he did not think it necessary that he should be able to spell accurately. I never knew a man fit for clerk of a court that could not spell ordinary words. Good writers and competent prothonotaries should always have been— they usually, although perhaps not always, spell as well as write— with ordinary accuracy, and this is all I should require in the way of qualification, superadded to ordinary intelligence and capacity. The gentleman from the county of Philadelphia (Mr. Doran) has deprecated the mode of appointment of the executive, and says that a governor has been known to have bargained for the disposition of offices to secure his nomination. I doubt the correctness of his information. Such a thing never did occur. I admit that incompetent men have been appointed, and I believe incompetent men may be elected, and I should like to guard against it. I think the executive patronage should be reduced; but the difficulty has been to find where the power can be more securely placed. I do not expect to attain to perfection in any scheme that may be adopted: such an expectation would be folly. If the guard that I propose be adopted, I think the mode by which a man is required to discharge the duties of the office, I say, sir, I little expected to see gentlemen who profess so much confidence in the people, and who are so continually taking the dear people under their special care, that they will scarcely let any other member name them, now urge the necessity of bridling the people for fear they would injure themselves, whilst they object to requiring any qualification whatever of capacity in the officer to be elected. I like consistency, and think this is evidence of any thing else. I was astonished to hear my friend from Millin, who was for many years a prothonotary, and one of the best in the State, say that he did not think it important that a prothonotary should know how to write very well. The same party who thus found fault with Governor Sylvania, and they cleared all the offices in the state of their political opponents, down even to the lockkeepers on the cities of Philadelphia and New York, and they swept the board.
Adams, who probably lost his re-election for not practising it himself, I believe a majority of this Convention are for electing the county officers, and I certainly shall not object to it for its political operation on the county which I in part represent. But before we adopt the system, as these things are practised now, it may be well for our friends to inquire as to its effects on the democratic party throughout this Commonwealth. They have held the power of the state for thirty out of thirty-nine years past, and if we do not cut out the existing Constitution by the roots, the probability is that we shall have an equal proportion of the next thirty-nine years. Is it not suicidal, then, in the party thus to part with their power? The offices in the city and county of Philadelphia, and the counties of Lancaster and Chester, are worth almost as much as all the rest of the state; and to make them elective is at once to surrender the power and patronage in that city and those counties to our political opponents. If, however, the party determine to do this, I shall not object; but I suggest the matter for their consideration.

But if gentlemen wish the county officers elected, the system ought to be carried out. There are many other offices in the city and county of Philadelphia—the inspectorships of flour, salt, wine, and key, and other things for instance. Are not these to be elective also? Gentlemen should be consistent, and carry out their system, and elect all such local officers, if they elect part.

All offices should be filled with a regard to the public interest, and not for the benefit of the individuals who may fill them; and, therefore, parties ought not, in principle, however it may be in practice, to be introduced in their selections. The great object with the public should be to get honest and capable men, and I will go for any measure best calculated to produce this result. But I almost despair of entire success in this respect, by any mode that may be adopted. I think we should get the best prothonotaries and clerks, if the courts appointed them; but this project does not seem to find favor in this body. I confess I do not see why it should not. Our county commissioners appoint their own clerk, and we hear no complaints of that. Our courts are as much interested in the safe and correct keeping of their records as the commissioners; and the public are vastly interested in this thing being able and faithfully done. To attain this end, I trust that it will be required that no man shall be a candidate for the prothonotary's or clerk's office, who has not been examined and found qualified. I fear no exercise of arbitrary power in excluding competent men. Were any judges to practise partiality, or exercise the power oppressively, it would be more than their commissions would be worth. I should have more fears that there would be scarcely strictness enough observed. But I am altogether unwilling to adopt a provision which will oblige the people to turn a man out of office against their own wishes, and when there is no reason or occasion for it. There may be reason in restricting the Executive to a given number of years, as he has the executive power of the State or Union in his hands. He might, otherwise, so strengthen himself as to become, in fact, a monarch. The restriction might well be applied to a sheriff, who ought to settle up the affairs of his office, and who might, by oppression or partiality, use the power and influence of his office for his own re-election, and to the prejudice of suitors and parties. But in a mere ministerial office, there can be no reason for preventing the people from exercising their own pleasure.

Mr. CLARKE, of Indiana, said it would appear from the course of the argument, that the motion of the gentleman from Susquehanna was not going to get fair play at all. The gentleman from Union seems astonished that, whatever has been said about the two terms, is really in earnest. In conversation at home, I have ascertained what the people chiefly wanted was to abolish life offices, to abridge the tenure of office, and limit the eligibility to office. For all these reasons, he should certainly content as a member of this body. The disposition among the people to reduce the Governor's patronage was also universal; but recollect, sir, that if we do not limit the eligibility of the officers elected by the people, we cannot get rid of the evil which they complained of. These officers still form the outposts and the rallying points of party organization, whether re-appointed by the people or the executive. Mr. C. discussed the various disadvantages of a long tenure of office. The principle of rotation was the only one which could secure faithful and zealous services. The longer a man was in office, the slacker he became in the discharge of his duties; and the newer the broom, the cleaner it swept. Six years was long enough for any man to hold an office. But, it was said, why will we cut off the public from the selection of their own officers? Why place restrictions on the people? Now, in fact, we only propose a rule for the people's adoption: we imposed no restriction on them.

Mr. DICKEY spoke in favor of giving the election of these officers to the people, and pointed out the evils arising from their appointment by the Governor. He believed the officers could be as well elected by the people as by any one man. He objected, however, to the provision for the election of their county officers on the same day with the general election. He would prefer to leave the time of the election to be fixed by the Governor. He would disconnect these elections from those of a party character as much as possible. In regard to the restriction to two terms, he did not think the people had required that. The people would elect men who were honest and responsible; and who would see that the duties were properly performed; and this was all that the principles of democracy—Jeffersonian democracy—required. The gentleman from Northampton would call these offices sinecures but they were such as Mr. Jefferson approved of and sanctioned. He referred to the appointment of a very aged man, by Mr. Jefferson, as the Collector of New Haven. In reply to the remonstrance of the merchants of that city against the appointment, Mr. Jefferson said that the individual was sound and responsible, and that this was a sufficient qualification for the office.

Mr. EARLE commenced some remarks in reply to the gentleman from Northampton, and others who had spoken in opposition to the amendment of the gentleman from Susquehanna; but, without concluding, gave way to a motion that the committee rise.

The committee rose, and the Convention adjourned.
Mr. SELLERS presented a petition from sundry citizens of Montgomery county, on the subject of banks and banking. Referred.

Mr. HEISTER offered the following resolution, which was read and lies on the table one day:

Resolved. That the rules of the Convention be altered by the adoption of the following rule:

When any question is proposed for consideration, or is under debate, it shall at any time be in order to move to lay the same on the table, which, if agreed to, shall preclude further action thereon, until the same shall be again taken up by order of the Convention, and such motion shall be decided without debate.

Mr. MARTIN called for the second reading and consideration of his resolution for an adjournment from Saturday, July 1st, to Tuesday, July 27th, and the motion was negatived.

Mr. STEVENS offered the following, and, on his motion, laid on the table for the printed:

by the Governor, to continue until and until a successor shall be chosen and qualified. 6. Prothonotaries and clerks of the several courts, except the said prothonotaries, shall cause the amendments to be published in the newspapers in each county, containing as many as shall be held by one person. Vacancies in any of the said offices shall be filled by an appointment, to be made by the Governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid. Add a new section, to be called section six, as follows:

Sec. 6. Prothonotaries and clerks of the several courts, except the prothonotaries of the supreme court, who shall be appointed in the respective districts by the court for the term of three years, if they shall so long behave themselves well, and are not removed by the court, records of deeds and registers of wills, shall, at the times and places of election of representatives, be elected by the citizens of each county, or the districts over which the jurisdiction of said courts extends, and shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The Legislature shall designate by law the number of persons in each county who shall hold said offices, and how many and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by an appointment, to be made by the Governor, to continue until the next general election, and until a successor shall be elected and qualified as aforesaid.

Add a new section, to be called section seven, as follows:

Sec. 7. Justices of the peace and aldermen shall be elected by the citizens of the several districts at the times and places of electing constables, and hold their office for five years, if they so long behave themselves well; the number in each district to be fixed by the Legislature.

Add a new section, to be called article tenth, as follows:

ARTICLE X. Sec. 1. The public debt of this Commonwealth shall not exceed the sum of thirty millions of dollars.

ARTICLE XI. Sec. 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon: and the Secretary of the Commonwealth shall cause the same to be published, as soon as practicable, in at least one newspaper in every county in which a newspaper shall be published: and if, in the Legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to
Mr. SHELLITO said, if in order, he would move to call that resolution the Adams county Constitution.

Mr. MEREDITH moved the second reading and consideration of the following resolution, yesterday offered by him:

Resolved, That the resolution passed on the tenth in favor of the amendment, as submitted to the Convention, it should not be the effect of postponing the consideration of the main question.

The question was further discussed by Messrs. Cunningham, Meredith, Read, and Sterigere, when

Mr. STERIGERE moved to amend the resolution by providing that, if the motion for the previous question was carried in the Convention, it should not have the effect of postponing the consideration of the main question.

Mr. MEREDITH hoped the gentleman would offer the proposition independently of the resolution, which thought would be embarrassed by it.

Mr. STERIGERE withdrew the motion.

Mr. DUNLOP advocated the resolution, and expressed his surprise that those who had occupied so much of the time of the convention in speaking, should now wish to restrict debate, even in the committee of the whole, by the previous question. He had been told by an attentive chronicler here, that the number of speeches delivered up to the 26th inst., was ten hundred and forty-five by the Van Buren members; of this number, the gentleman from Susquehanna (Mr. Read) had delivered fifty-four.

Having had more than his share of the speeches, the gentleman now thought it time to stop the discussion. If we multiplied the number of the gentleman’s speeches by one hundred and thirty-three, the number of the members, the product would be six thousand one hundred and eighty two. So, the gentleman, after having had six times as much as his fair share, was unwilling to let others have their share. He had listened with pleasure to the gentleman’s speeches, and he thought the gentleman ought to give those who were several hundred speeches behind, permission to bring up. While he should reject any unnecessary consumption of time in debate, he thought it highly improper to restrain discussion, and to force decisions in a body of this character, the very purpose and object of which was deliberation.

Mr. FORWARD, PORTER of Northampton, and HOPKINSON, made some remarks in support of the resolution.

Mr. CUMMIN said that he rose to oppose the resolution. He said that it was an established maxim in criminal law, that the confession of the culprit was the best evidence of his guilt; and he was happy to find that there were so many gentlemen in this Hall, who would support his assertion. According to that rule, the gentleman from Franklin (Mr. Dunlop) was, he said, his own accuser. He had brought forward evidence against himself. The gentleman was certainly the last man on this floor who should have brought up that record of the number of speeches, for he was not behind any one in the list. He should think the gentleman had made one hundred and seventy speeches, or thereabouts, for his share; and his speeches were always learned, often very humorous, and sometimes satirical; but very seldom had much relation to the question before the Convention. The gentleman's remarks were often dressed in a garb of good humor, which was pleasing even to those against whom they were directed: at other times he was very severe, and, without doubt, he was more frequently out of order than any member here. He was always happy to hear the gentlemen speak when he was in a good humor; but, if his argument and arithmetic were good, there would be no limit to the number of speeches, and our labors would never be brought to a close. He thought, therefore, that if there was any use at all in the previous question, it ought to be applied for the purpose of arresting this flood of speeches.

Mr. C. said that the gentleman from Franklin, and some other members of this Convention, were in the habit of making speeches, and offering amendments and resolutions, that were only intended to waste time, and defeat the objects which we had been sent here to effect.

Mr. MANN was satisfied, he said, that it was right in itself to restrain the previous question in committee of the whole, though if the gentleman from Philadelphia had moved that it should require a majority to avoid it, he presumed there would be no objection to that.
As the subject had now been debated an hour and a half, he would move the previous question. The motion was seconded, and the main question was ordered to be put, and, being taken by yeas and nays, was determined in the negative—yeas 53, nays 64; as follows:


So the resolution was negatived.

Sixth Article.

The Convention resolved itself into a committee of the whole, (Mr. Chambres in the Chair,) on the report of the committee on the sixth article.

The following motion of Mr. Sterigere, as yesterday modified by him, being under consideration:

"Prothonotaries and clerks of the several courts, except the clerks of the Supreme courts, who shall be appointed by the respective court for the term of three years, if they shall so long behave themselves well, recorders of deeds and registers of wills, shall, at the times and places of election of representatives, be elected by the citizens of each county, or the districts over which the jurisdiction of said courts extends, and shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The Legislature shall provide by law for the number of persons in each county, who shall hold said offices, and how many and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by an appointment to be made by the Governor to continue until the next general election, and until a successor shall be elected and qualified as aforesaid."

And the question being on the motion of Mr. Reed to amend the above, by adding the following: "But no person shall hold an office more than two terms in any nine years."

Mr. Earle spoke at some length on the subject in reply to several gentlemen who had preceded him in the discussion. He entered into a view of the principles of democracy, and contended that whatever was antagonistic to the equality of the people in right and condition, was anti-democratic; and that whatever had even a remote tendency to produce inequality, was hostile to, and subservient of, the principles of democracy. Gentlemen said we must be governed by the rules of private life in appointments to offices; they commenced their system of appointment by departing from the rules of private life. Do we employ a journey-man, or a mechanic, or laborer for a long term of years? The rule of private life was also to obtain the best service at the lowest rate; whereas these gentlemen were in favor of giving such a compensation to officers as exceeded what they can make in private life. If gentlemen would carry out their principle of action according to the practice of private life, he would follow them. If an officer was to be continued during good behavior, as some gentlemen contended, this was the principle of life office—the usage adopted in England, where the public are not so well served by their officers, as they are here, where they are appointed for short terms.

What was the reason that we plead any limitation at all upon the term of office? Why should we ever turn out a good officer? Was it not because a long continuance in office tends to unfit a man for the discharge of its duties, rendering him arbitrary and aristocratic? It also tended to begot life office, then hereditary office, and the destruction of free government. This was the reason why the principle of life offices was abandoned by Republicans. In any great emergency, a man in whom the public had confidence, might be applied to take the management of public affairs, either as Governor or President: this might be urged, though uneconomically, or as a reason for leaving unlimited their tenure of office. But in a small clerkship, which any merchant's clerk in the country could fill in three days' time, as well as your oldest office-holder, there could be no necessity for the aid of long experience or great skill. Those officers were nearly as well qualified for their duties on the first month of their service as on the last: why should those men be continued in office for a long term? Were they the only qualified and meritorious men in the country, that they should enjoy these offices? There might be cases of individual misfortune which would induce a sympathizing public to continue a person in office, for the comfort of the officer or his family; but this did not occur in one case out of a hundred, and, when it did, the people would confer upon the person some other office. It was necessary to establish a general rule, that there might be no difficulty in carrying the principle into effect. That an improper influence was exerted on elections by office-holders, he had no doubt. Suppose a prothonotary was elected for nine years instead of six. Would not his successor expect to hold the office for the same term? Suppose this man comes to me for my vote. I say that it is against correct principles to continue an officer so long. But to this he replies, that his predecessor held the office for nine years, and that I voted for him. If I say that he is not so honest or so capable as his predecessor, then I must encounter his enmity. In this way the officers will compel many to support them for re-election. But they have other means: they are leagued together and organized on the principle of common interest, and they take possession of the avenues to public opinion, and of the
machinery of nominations. They get up a convention, the delegates to which are elected in the dark, and are secretly pledged to the nomination of the incumbents. The people don't know this, and are obliged to choose between the nominations of the two parties.

He made allusions to the course pursued by Messrs. Porter, Bell and Woodward, saying that, although they might be great lawyers, it did not follow that they were good politicians, that if they would only consult history, they would find what the true principles of democracy were, and that those gentlemen were not supporting the principles of democracy, and sometimes were found voting with the conservatives.

He also mentioned the democratic course pursued in Rhode Island, Connecticut, Vermont, &c., in their mode of choosing officers, as proper for imitation here.

Mr. E. spoke at some length urging many arguments against long terms of office, and contending that it was subversive of the principles of democratic institutions. He cited the opinions of Washington, Jefferson, Franklin, and Jackson against long terms, and referred to the experience of other nations to show their aristocratic tendency.

He excused himself from dissenting from some eminent members of the bar in the convention, and said it was not often the case that a great lawyer by reputation was a great statesman, as exclusive attention to the profession prevented much attention to politics.

Mr. PORTER, of Northampton, said, I know no power that has authorized any man to assume to himself the right to dictate to the members of this Convention to what party they shall belong. I would recognize no man as dictator to the democratic party; but if one must be appointed, it should be one of known and established character—of sound and correct principles and conduct. For such a station, the delegate from the county would be the last to be chosen, and the least qualified to fill. Sir, is it to be tolerated that delegates born on your soil—Pennsylvanians by birth, by principle, and by education—men who have spent their whole lives among you are to be dictated to by adventurers from the east, little known there, and as little known or respected here! Are men who were democrats before these new-fledged politicians had left New England to come here, and accommodate themselves to which ever side would best suit their interest, and change with every tide (to be dictated to by such persons as these? Sir, I feel as a Pennsylvanian, indignant at such presumption and impudence. Are men who have not been here long enough, if any length of time would give them capacity, to comprehend our habits, manners, feelings, and institutions, to dictate now and visionary theories, the crude and shapeless chimeras of their own wild brains, to Pennsylvanians, and to denounce the staid and sober-sided democracy of this state, if they will not yield to them? Sir, there are some men afflicted with monomania, whose minds are diseased and their intellects impaired on some one subject; and I would ask if there are not some such on this subject of Constitution making? We have today had another political homily and have been told that we had better study history, and that too by one who does not know the history of our state for 15 years past. These homilies commenced about the first day of our meeting, and we have had them over and over, and over again, almost daily ever since, with scarcely a variation. It has been "the poor and the rich"—"a democracy is a democracy"—"the people," "the people," with scarcely words enough between to connect them together. I am tired of this unceasing and nauseating repetition. If we are to have nothing but Paddy Carey played to us, in the name of goodness let us have it sometimes with variations.

Pennsylvania is a great state—great in resources, great in her products—great in the virtue, the wealth, the integrity, intelligence, and the talents of her citizens. Her institutions are upon a scale commensurate with all this greatness—and shall it be that when her citizens require some alterations to be made in the fundamental law of the land, to accommodate it to the improvements which fifty years' experience had brought to light, the boasted Constitution of the state is to be cut and carved, and tattered and torn to ribbons, and scattered to the four winds of heaven to gratify the whim-whams of adventurers, who, being nothing where they came from and nothing where they are, would reduce and degrade us and our institutions to the level of their own capacity, and to the limited views of men whose ideas of government are derived from some five-penny bit state? Sir, such are incapable of appreciating Pennsylvania, or of prescribing correctly for her.

That useful and necessary alterations of the Constitution should be made, most of us concede. But we have no idea of upfitting and overturning everything, and leaving not a vestige of our former government behind. And if the necessary changes which the community desire are not accomplished, it will be because of the violence and pertinacity of those ultra radicals, who, by their wildness, folly, and extravagance, have alarmed the staid and sober-minded, lest their agrarian notions should prevail, and the foundations of society be shaken to the very centre.

Sirs, there is a vast difference between the sober-sided and unfailing democracy of Pennsylvania, and the madness and folly of agrarianism. The one is the government of the people, beautifully and successfully carried out in practice—the other is the demon of anarchy and infidelity, let loose to jeopardize the peace, safety, and good order of society. And infinitely rather would I vote with those who cling fast to the existing Constitution, under which we have grown and prospered, and whom the gentleman calls the conservatives, that join in tearing to pieces and destroying every vestige of our existing Constitution, to carry out visionary and impracticable theories.

Before I left home, I received some instructions from my constituents. Among the rest, a very influential citizen of Easton inculcated his views by narrating a circumstance which had occurred to him not long since. He said he had purchased a stock and tried it on. If any time, it was something; and when he look it, it suited him reasonably well; but occasion ally it incumbered him a little about the neck, and, in the spirit of reform, he gave it to his wife to raze it, so as to make it fit better. She, took it and ravelled it out, so that she could not put together again. Now, said he to the delegate from Wayne and myself, "be careful, gentlemen, in mending the Constitution, not to ravel it out so that you cannot put it together again."

Indeed I have little belief, that the delegate from the county could make a Constitution to please himself; and I concur in the sentiment
expressed by one of my colleagues to that delegate, that were he ever to draft out an entire Constitution that he should pronounce good, such is his unsteadiness and desire of change, that to-morrow he would alter it himself.

If, Mr. Chairman, I have been indignant and excited on this occasion, I trust I will be excused: for a rude, rough, and unmeasure attack has been made upon me, to which, as a Pennsylvanian, I have no idea of submitting.

Mr. BROWN, of the county of Philad. had heard with regret the unnecessary charges made by the gentleman from Northampton (Mr. Porter) against those he calls radicals and agrarians—terms without meaning in the Convention, but which had been applied elsewhere to the whole party with which he (Mr. P.) acted. No proposition had been made by any one, certainly none by his colleague, (Mr. Earle,) that deserved to be called agrarian. It was therefore, Mr. B. thought, injudicious, to say the least of it, for any friend of reform to censure or denounce other friends of reform, because they might not exactly agree with him. It could do no good, but would do harm. The radicals, he apprehended, (if there were any who might be so called,) would be found much better reformers than the conservatives, and the gentleman from Northampton might rest assured, if he wanted any reform, it would be to the former and not to the latter he must look for support. He trusted, therefore, that such criminations and recriminations might not be heard again.

Mr. B. was an advocate for short terms and rotation in office; but he was not disposed to place any constitutional restrictions on the action of the people, unless they required it. He thought his colleague was disposed to carry out a principle, good, if rightly applied, to an extent that would defeat its object, and render it an evil instead of a good. The principle of uneligibility was intended as a restriction on the action of the officer, and not on that of the people. It was only for officers who had patronage that might be used to perpetuate them in office. Such was the office of Governor. This principle was applied to him, so that he might know in advance, that no appointees he would make could keep him in office beyond a stated period—he had, therefore, no motive to look to himself, but was thus compelled to look only to the public good in making his appointments or bestowing his patronage. Rotation in office was applicable by this rule to nearly all officers appointed by the President, Governor, or any other person, other than the people, for the same reasons, that they might know in advance, that they could not perpetuate the power that appointed them by serving his purpose; but that the performance of their duties would alone recommend them to the people for office at another day. This check would cause them to serve the people, instead of the power that appointed them. The office of Sheriff was different. He had large sums of money in his hand, and a mass of business unsettled at the expiration of his term of office, of he exact state of which the people could know nothing—it was therefore deemed proper, that he should go out of office to close his business.

Mr. B. went on to illustrate the principle of rotation, as applicable to all officers, who could, by the exercise of their official influence, in a corrupt manner, strengthen or continue themselves in office, and showed where the conservatives, who argued against all uneligibility, would destroy a valuable principle. He then showed how inapplicable the principles he laid down were to the clerks of courts, registers, &c., who had no patronage or influence, the use or abuse of which could be of any advantage to them—they could in no way gain friends or enlarge their business by the faithful and approved discharge of their duty. He thought all officers of this description ought to be left to the people to elect for one, two, or three terms, as they thought best. Mr. B. here repudiated the idea, that any officer should be turned out or kept in for any other purpose than to promote the public good. No officer should receive more for his services than was adequate, and he should be kept in or turned out whenever the people thought it their interest to do so, without regard to the wants or wishes of any one in or out of office; and he thought his colleague was wrong in supposing the democratic principle of rotation in office had any view to the distribution of the benefits of offices, or was intended to extend to every office; if it did, the proper place for the restriction would be in the bill of rights. It would then extend to all, the highest and lowest, but this he thought was not called for by the people. They had asked not to be restricted, but to give them more freedom of choice. They had asked for the election of their officers, but had not asked for any dictation. They had not asked to be bound themselves, lest they might do wrong; but merely to bind their agents, lest they might do wrong. If the democratic principle did extend to such offices, Mr. B. thought his colleague ought to have applied it to the coroner; but he had not offered to restrict him; and yet he (Mr. Earle) knew how important and lucrative that office was in Philadelphia—being worth, he (Mr. B.) believed, three thousand dollars a year; and yet the democratic party, if he was rightly informed, had elected Mr. Dennis twenty years in succession to fill it.

Mr. B., therefore, did not think the democratic party intended to carry the principle of rotation in office so far as he (Mr. Earle) supposed. If it did, it would only carry its wishes into effect without any constitutional provision on the subject; and he, Mr. B., was willing to trust to them. He agreed with his colleague (Mr. Ingersoll,) that democracy meant “trust in the people,” and he, Mr. B., would not, by any vote of his, sanction the doctrine they were not to be trusted. Mr. B. then went on to show how many good principles had been destroyed and abused by excess; and illustrated his views by the natural passions of mankind, which were all good, if regulated by reason; but, if carried to excess, were destructive of the object for which they were intended, and became a curse instead of a blessing. He also stated that, for many years, banks and corporations were deemed democratic, at least they were made year after year by the democratic party; but to such an extent had they been carried, that it was now one of the great struggles of democracy to remedy or remove the evil the democratic party had thus been in part instrumental in bringing upon itself. He hoped, therefore, the principle of rotation, which he held as essential to the pure administration of all governments, would not be impaired in its value by its misapplication. He had voted for it in relation to Governor and Sheriff, and would do so for all officers whose office it was necessary thus to res-
strict, to ensure a faithful performance of duty—but these restrictions were on the officer, and he would not vote for any restriction when no such necessity existed, as such would be a restriction only on the choice of the people. When the people had made an experiment in the election of these officers, said Mr. B., they could, if they desired it, or found it necessary, have a constitutional provision of ineligibility at the end of one term, or two terms, as they might then think best; but he did not think it was required now, and he should therefore vote against it.

Mr. BELL, commended with some severity on the course of the gentleman from Philadelphia county, (Mr. Earle,) in setting up himself as the censor of the democratic party. He observed that he had quoted one English maxim, that "a very great lawyer was no great politician." By this, it might be inferred, that he wished to be considered a great politician, and no very great lawyer. He is undoubtedly right in thinking, that he is no very great lawyer, and that he may yet find out that he is also no very great politician. He has also pronounced an encomium on the virtues, integrity, and talents of the learned judge who is a member of this Convention, (Judge Hopkinson.) This is very natural, as some men are apt to admire in others what they most lack themselves. He did not wish to hold up the political course of the gentleman to the Convention, as it was unprofitable and out of place. His political course, however, on a certain presidential election, ought to admonish him not to set himself up as judge of the principles of others, or the censor of the democratic party.

He differed with his friend from Northampton, (Mr. Porter,) in relation to radicalism. Every change he considered a radical change in the Constitution, and especially every change that brought the government more immediately into the hands of the people. He was so much a radical, that, if it were practicable, he would have the whole people of Pennsylvania assembled in a body, like the democracy of Athens, and pass their own laws, without the intervention of agents. But this was not practicable in a commonwealth containing such an extent of territory, and so large a population. The people must act by their agents, when they act as a whole people, if consultation is necessary; but in small communities, for the transaction of local business, they can dispense with agents, and act themselves. He would ask the President of the Convention, why these officers for the transaction of county business, should not be elected by the people of the counties?

The election of county officers by the people was no experiment. Sheriffs and county commissioners had been elected under the old Constitution; and they were generally better officers, and more competent men, than the county officers appointed by the Governor. The President had paid a deserved compliment to the man who held an office in Philadelphia, and performed his duty to the satisfaction of the people; but who was turned out, and a less competent person appointed in his place. But who did this? The people! The people would probably have sustained this good officer. But it was the Governor who turned him out—the governor, in whose hands the gentleman wishes to leave the power of appointment. There is honesty, intelligence, and fidelity among the people, to sustain honest and competent officers, and to reject the pretensions of the unworthy.

In a dense population, where there is corruption, if any where, this may not be the case; but in the country, the mass of the people know their own interests, and have the honesty and intelligence to choose such agents to transact their business, as are best qualified. This principle of electing all the county officers by the people, would doubtless be incorporated in the new Constitution. A majority of the Convention have declared themselves in its favor; but as the President of the Convention had taken other ground, he felt it due to him, out of respect, to answer some of his arguments.

In taking away the patronage of the Governor, the democratic party, are disinterested. Since the formation of the old constitution, they have held the offices, with the exception of two short intervals, and it is probable that, if the patronage is continued in the hands of the Executive, they would continue still to enjoy them. It is therefore not interest, but principle, that makes them vote to give these officers to the people. It is giving up to the minority the offices in the opposition counties. But the amendment of the gentleman from Susquehanna undertakes to limit the people, while it pretends to give them the power of election: It is

"Making the promise to the ear,
"And breaking it to the hope."

He said that he would agree to a limitation to the eligibility of the Sheriff and Governor, because he found it in the constitution; but if the election of these officers was for the first time to be given to the people, he should hesitate before he should vote for any restriction upon the people. Why was this restriction put in the old constitution? Because its framers in 1790 feared the people. They had not then found out the truth now acknowledged, that the people were capable of self-government. There is no reason for this limit in the case of Sheriff. Gentlemen have undertaken to give a reason, but have failed to give one of any weight. In the case of governor, there is a reason, and especially where he has the power that is given him by the present constitution. If he had been only an executive officer, there would have been no reason for a limit. But, possessing the power and patronage that he does, he might use it to perpetuate his power, and build up a dynasty. In the case of Governor, there may have been a reason for limiting the eligibility; but in the case of Sheriff, there could be none. In all the offices, where there is no patronage, history shows that instead of keeping men long in office, the people have made too frequent changes. This was the case in the Legislature and in Congress. There is always a majority of new members in the Legislature and in Congress—a man has hardly had time to get warm in his seat, and form acquaintance, and learn the rules of legislation, before he is displaced. This has been injurious to the State, and has detracted from our influence in the councils of the nation. This is not the case in other States. Where the find a man of talents, integrity and learning, they keep him in Congress, in order to maintain the influence, advocate the interests, and uphold the honor of the State. This has been the character of Old Dominion, and this gave old Virginia, for so many years, the ascendancy in the Union. There is no danger in leaving the people uncontrollable and without limitation in the choice of their public agents.
CONVENTION PROCEEDINGS.

The following remarks of Mr. READ, commencing on the bottom of the first column of page 388, should have been printed in connection with his remarks ending at the top of the same column—having been separated therefrom, and given as the remarks of Mr. STERLING, by accident, viz:

The supposition of the gentleman from Chester that the provision uniting the term of office would be a restriction on the people, was without foundation. It would be nothing but a voluntary rule of action; one not imposed by us, but by themselves, if they see fit to adopt it.

He hoped the friends of reform would, with one voice, negative the amendment pending, in order to adopt a proposition which would be more acceptable to the people, and more satisfactory to themselves.

Mr. EARLE said that he had been exceedingly unlucky in his last speech, inasmuch as in his attempt to smooth over matters in regard to the gentleman from Northampton, (Mr. Porter,) and the gentleman from Chester, (Mr. Bell,) he had made the thing worse. He exceedingly regretted that the truth had thrown them into so great a passion. One of the gentlemen has remarked, that men praise what they most lack. If the reverse be true, that men dislike most that in which they most abound, it accounts for the condemnation of dictation and dogmatism made by the other gentleman. His remarks reminded him of a certain judge, who thought that a Mr. Jones was so perfect a man, that he could not do wrong. One day Mr. Jones became so enraged at something which a young lawyer said in an argument against him, that he swore in court, and used abusive and personal language. The young man appealed to the court for protection. "Protection!" says the judge, "you ought to be thankful that I do not commit you to prison for making Mr. Jones swear before the court!" The gentleman from Chester, would punish me for putting the gentleman from Northampton into such a passion. He said that he knew his faults were many, and that gentleman's virtues were numerous; but whatever his faults were, he hoped that he should never support his arguments by boasting of the place of his birth. If his arguments were disregarded, he would submit to it, and not say they must be listened to, because he was born in the state of Pennsylvania.

The gentleman had charged him with instability in his opinions concerning reform. His colleague, (Mr. Brown,) who had known his sentiments for years, could contradict the assertion. He trusted the should never be like certain gentlemen, who, on the day of their nomination, profess certain principles to get elected; and, when elected, oppose those principles.

Mr. DUNLOP remarked, that if a very great lawyer was not a very great politician, a very small lawyer must be a very small politician indeed.

Mr. READ said that he was somewhat discouraged, and did not know expect that his amendment would carry, since he had heard the speeches against it, of those who ought to have advocated republican principles. As, however, he had offered the amendment, he would reply to some of the arguments urged against it, if arguments they were. The President (Mr. Sergeant) had used one argument founded on analogy. It was based on a comparison of these officers to private servants. Now, if the analogy was close, the argument drawn from it would be applicable; but the analogy was far-fetched, and remote, and, in fact, there was little analogy between them.

What is the difference between a public officer and a private servant? The master knows from day to day, and from hour to hour, the acts of the private servant. But the acts of a public officer are unknown to the great mass of the people, until the hour that terminates his public life. Besides, the appointment of a private servant is made by the exercise of a single mind; but the appointment of a public officer by the people, is a complex operation, and the result of the conclusion of many minds—In the first case, if injury is done to the master, he suffers, and can discharge his servant; but, in the last case, injury may be sustained by the acts of a public officer, by a number of individuals, while a majority of the masters may never hear of the injuries. In every act of a private servant, the master is personally interested; while, in the acts of a public officer, not one in five thousand of the people have any personal or direct interest in any one act of the servant. So it seems, that in all the important particular the analogy fails, and if the analogy fails, the argument fails also.

It is for the benefit of the officer as well as the people, that he should know when the term of his office expires, so that he may go out of office without feeling that his retirement is any censure upon his acts, and that the people may feel free and unembarrassed in their choice of another officer. The people desire a restriction of this kind: they feel a reluctance to censure an officer, and therefore wish a limitation to the term of eligibility, as the means of greater freedom of choice. If this amendment prevails, it will be taken for granted that a good officer will be re-elected, and it will consequently put an end to the turmoil and confusion that take place between the "ins and the outs," and the elections will pass over without political excitement. These are some of the reasons which induce the people to
ask us to permit them to make a "law unto themselves," for their own convenience. One gentleman has said that it was anti-democratic. Was it anti-democratic for this Convention to make laws for its own government? Would the gentleman from Chester (Mr. Bell) who has made this assertion, believe that if the whole people were assembled in a body to make laws as he desires, if it were practicable, would legislate without making rules for their government? If the people choose to make a rule for the government of themselves, it is no restriction, no infringement upon their rights, and in no respect anti-democratic. The gentleman from Union (Mr. Merrill) has explained, that the amendment would put a bridle on the people! This was no argument—it was only an exclamation. But the gentleman from Luzerne (Mr. Woodward) thinks that the amendment is a blunder, and hopes that it will be withdrawn. Mr. R. said that he was not in the habit of blundering in amendments, or offering them unless he believed them right. But why does the gentleman from Luzerne so much desire the withdrawal of the amendment? Has he any misgivings in relation to his own course? If not, let him come boldly up to the work and vote against it. That gentleman has undertaken to draw a distinction between these offices and that of sheriff, which seemed to him to be mere imaginary. The fact is, there have been but two arguments of any plausibility used against the amendment; one was used by the President, (Mr. Sergeant,) which he had noticed, and one by the gentleman from Luzerne, (Mr. Woodward,) which was, that it was necessary to give the officer a chance of re-election, in order to give him a motive to do his duty. But in regard to this argument, there were other motives for the faithful performance of public trusts, than continuance in office. The good opinion of the community in which one lives, and above all, a moral responsibility, were amply sufficient to the faithful performance of duty. Such a motive as the gentleman from Luzerne would hold out to a public officer, to be faithful to his charge, was based upon a wrong principle; for it should never be admitted that the love of office was the only inducement to good behaviour.

Mr. FORWARD said he should vote against the amendment, but did not wish that his vote should be taken as an indication of his opinion in relation to the limitation of the term of sheriff; if these officers were to be elected for the term of five years, he might be disposed to vote for a restriction upon their eligibility.

The vote being taken, the amendment of Mr. Read was decided in the negative by the following vote:


The committee then rose, and the Convention adjourned until 4 o'clock, P. M.

FRIDAY AFTERNOON, JUNE 28, 1837.

On motion of Mr. Forward, the use of the hall was granted to the Rev. Mr. Pinney, late Governor of the colony at Bassa Cove, to deliver a lecture this evening on the subject of colonization.

The Convention then again resolved itself into the committee of the whole, Mr. CHAMBERS in the chair, on the report of the committee on the sixth article of the Constitution.

Mr. WOODWARD moved to amend the amendment, as follows:

To strike from the amendment the words following, viz: "The Legislature shall provide by law for the number of persons in each county who shall hold said offices, and how many and which of said offices shall be held by one person," and inserting in lieu thereof as follows, viz: "And the same individual may hold two or more of the said offices at the same time."

Mr. WOODWARD went into an argument of considerable length to show that the people could better judge what offices ought to be consolidated and held by one person, than the Legislature. The Legislature would be obliged to obtain information from persons who might have an interest in separating the offices or in consolidating them.

The member of the Legislature representing the county might have more at heart of his own ambitious views, than the good of the county; and in order to make an interest for himself, he would have them divided. It was important that these offices be well filled, and it would not be possible for a competent man to move to the county town, and support himself and family in the small counties upon one of these offices. He replied to the objection that confusion might arise, if the amendment was adopted, that he thought there could be none. In a small county, the same man might be nominated to as many of these offices as the people wished. If an opposite party should nominate more candidates, or bring out volunteers, it would only end in defeat of themselves, if the people wished the offices consolidated. He thought that, as it was agreed to give the election of these offices to the people, the whole matter should be left to them; and if they did not make good use of their power, it would be the first time of its abuse. The people need not be guarded against—we had only to watch corrupt rulers.

Mr. DUNLOP thought that the gentleman from Luzerne (Mr. Woodward) could not reach his object by the amendment. He thought that if the regulation of these offices were left to the people, they would never, in any case, be consolidated. One candidate would
Mr. DARLINGTON was opposed to the amendment of the gentleman from Luzerne, although he was in favor of giving the people all the power they could conveniently exercise. He believed that the Legislature would fix the number of these offices to be held by one person, better than it could be done elsewhere. The information would be brought before the body by petition, and it would be more impartially done. Local legislation he did not think so objectionable as some gentlemen did. If the people were to decide on this matter, the offices would never be held by one person. In the county of Philadelphia, these offices might be better separate; but even in the larger counties, some of them would not afford a living to the officer. In the county of Chester, the prothonotary, register, and recorder, could be singly filled; but the clerk of the court of oyer and terminer, clerk of the orphans' court, and clerk of the court of common pleas, could not be. The gentleman from Luzerne thinks that the Legislature ought not to be intrusted with this regulation. Not long ago, a large number of the political friends of that gentleman voted to give to the Legislature the power to create offices, and direct the mode of filling them.

Mr. REIGART said—Mr. Chairman: It seems to be conceded by all that we will take from the Governor the appointment of the county officers, and give it to the people, to whom it legitimately belongs. But the question arises, how are we to give it? As I present view this matter, if we give the power to the people, let them have it, not in part or parcels, but wholly and entirely; they are perfectly competent to elect their officers, and they are just as competent to say how those offices shall be filled, and by whom; whether some of these offices shall be attached to each other and filled by the same persons, or whether they shall be detached from each other and filled by different persons. The amendment proposed by the gentleman from Luzerne (Mr. Woodward) leaves it to the people, while the other proposes to leave it to the Legislature to say how these offices shall be filled, what offices shall be attached to each other, and what offices shall be kept separate and how they shall be filled. It seems to me, sir, the objections to leaving this matter to the Legislature are numerous. In all local matters, the members or members from the particular district will be alone consulted, and they will arrange this matter as they may best suit their own individual views; so that in the end, one, or two, or five men, will arrange for the people what they can for themselves. Besides, there are many and great objections to leave anything to the Legislature, as to carrying out this favorite constitutional measure, which the people think they can do better themselves, and which they can do better themselves. What, sir, will be the practical operation of this measure? It is well known that the people of the different counties in the State once in every year, at least, send delegates, for political purposes, to a county convention, one of two for each township. These gentlemen, selected for their intelligence or some other good quality, are most generally public men, who have the means of knowing the annual value of every county office, the amount of the annual income, &c. If gentlemen concede this, and it has not been denied, will they say that the people are not as good judges of their own interests as the Legislature are? But the gentleman from Franklin (Mr. Dunlap) has told us, that it would beget confusion among the candidates for the different offices—that a man may refuse to vote for a particular candidate for register, when he would be willing to support him for recorder. For myself, sir, I cannot perceive the force of this argument, as the same confusion must also arise should the details already mentioned be left to the Legislature. This confusion might arise among volunteer candidates, but not among regularly nominated candidates; at all events, legislative enactment would not avoid it. The gentleman from Chester (Mr. Darlington) has told us, that the people could not understand each other. Why, sir, is this business so complex that the people cannot manage it without the aid of legislative machinery? The gentleman has failed to point out the difficulty, and having failed to do so, it is fair to presume that there is none. Under the amendment proposed by the gentleman from Luzerne, if the annual income of two attached offices increased largely, the people themselves could detach them by a very simple operation; or if the annual income of a single office decreased considerably, they might, by the same simple operation, attach it to another, and thus regulate the matter as they from time to time think proper; but as the matter at present stands, they must petition the Legislature, from time to time, to effect these objects. For these reasons, as well as others that might be given, I shall vote for the amendment of the gentleman from Luzerne.

Mr. FORWARD rose to ask a question, and make a remark or two. There are five offices besides the clerk of the court of oyer and terminer, which was too small to be held separate. Does the gentleman from Luzerne (Mr. Woodward) mean, that the people shall, at every election, fix the number of offices to be held by one individual? If the annual income of two attached offices increased largely, the people themselves could detach them by a very simple operation; or if the annual income of a single office decreased considerably, they might, by the same simple operation, attach it to another, and thus regulate the matter as they from time to time think proper; but as the matter at present stands, they must petition the Legislature, from time to time, to effect these objects. For these reasons, as well as others that might be given, I shall vote for the amendment of the gentleman from Luzerne.

Mr. KEIR was in favor of giving the elections of county officers to the people, and of leaving it to the Legislature to say whether one person should hold more than one office or not. He was opposed to the amendment of the gentleman from Luzerne, and the objection he had to it was this: It was not practicable for the people to decide the matter. The inhabitants of a county must meet together to decide it; or the voices of the different townships must be collected; or the county conventions, when they meet to nominate candidates, must decide it. These were the only ways in which the
people could determine the question. But the people were generally divided into two or more parties, and if one party determined that one person should hold two offices, and the other party that he should not, how was it to be settled? The proposition was impracticable, and he trusted it would be rejected.

Mr. BELL was sure, he said, that his friend from Luzerne, in offering this motion, had not well considered the objections to which it was liable. It would lead to confusion inexplicable. It was utterly impossible that the people of any county should agree as to the distribution of offices. In many counties there are several parties, each of which made a ticket, and they could never agree as to the number of persons who should hold the offices. The proposition was undoubtedly founded on respect for the people, but he did not think it practicable. There ought to be some rule fixed and known for determining the number of offices in each county. The business of the county should regulate the number. That was the proper principle; and it might be assumed that the business was in proportion to the population. He should, therefore, propose the enumeration of the taxable inhabitants as the basis for the appointment of offices among the several counties. He would propose to make it incumbent on the Legislature to distribute them in proportion to the number of taxable inhabitants, and at the same time that they apportioned the senators and representatives.

Mr. STEVENS thought it was better, he said, to take the vote at once. The amendment had been modified about thirty times to suit different tastes. We had a general principle in it, giving the election of certain county offices to the people, and when we come to the second reading, we could put it in proper form. He hoped that some day or other we should get a direct vote upon the proposition as it stood. The amendment of the gentleman from Luzerne would lead to inexplicable difficulty.

Mr. SHELLITO just wished, he said, to make one observation. He wanted to give the people the regulation of the number of county offices. In each county, could not a convention be held, and could not the delegates inquire what was the amount of the business in the county for each officer, and what is its enrollment, and how many men it would require to perform the duty? And then, could not they make their tickets for officers according to the number that might be wanted, and leave to the public the choice? It appeared to him if the people were allowed to do nothing for themselves, and that they must have a dictator somewhere. Their representatives cared nothing for them after they had received their election. The public knew more about their local interests than the Legislature did. What did a member of the Legislature, coming from Philadelphia, know about his constituents or their interests? He did hope that we should give the people the regulation of this matter; and if the committee was adverse to it, let them say so.

Mr. DUNLOP said this subject was full of difficulty. Before he came to the Convention, he had reflected much upon it, and he had reached the same conclusion, which the gentleman from Allegheny had so ably presented, that the Legislature must fix the number of offices. In some cases there might be but a single officer to fix in each county; but that was no answer to the objections urged against the proposition. These officers did not stand before the people like the sheriff of the county. No sheriff in any county was chosen in relation to party consideration. Any one who was a candidate upon party grounds would be certain to lose his election. But it would not do to tell him that the people at a Convention could say, who should fill the offices, and how many officers there should be; for the different parties could never agree as to the number of officers, or their election. We wanted some means of distracting the demon of party, instead of giving it wider scope. It was easy to see that the system would be attended with much difficulty. The gentleman from Lancaster would not feel indifferent to the result, because his was a large county. But in the small counties, we should have too many candidates as parties for every office. Some of the counties were divided into four or five parties, and it would be the object of each to multiply offices as far as possible. He thought it much better that the Legislature should have the power to fix the number of officers.

Mr. WOODWARD withdrew the amendment, giving assurances to his friends that he would renew it on the second reading. Then he would endeavor to satisfy the gentleman from Franklin, that his scruples were not well founded, and to convince the gentleman from Chester that he had not offered the proposition inconsiderately.

Mr. PORTER, of Northampton, moved to amend the amendment so as to provide that no person shall be elected a parliamentary or clerk, unless previously examined by the court, or a board appointed for that purpose, and he certified by a majority of them to be competent to discharge the duties of the office.

The motion was negatived.

Mr. BELL moved to amend the amendment in the 9th line, by inserting after the word "shall" the following: "at the several periods of making the enumeration of the taxable inhabitants mentioned in section 4th, article 1st, designate by law."

Mr. B briefly explained the object and effect of the amendment.

Messrs. MERRILL and CLARKE of Indiana, were in favor of the principle of the amendment.

Mr. FORWARD considered the number of taxable inhabitants as a very false basis for the apportionment and distribution of offices. The quantity of law business transacted in a county must depend upon the pursuits of the inhabitants. An agricultural county, like Washington, would not require as many offices as a commercial and manufacturing county. The number of taxable, therefore, did not indicate the amount of litigation in a county.

Mr. DICKSBY thought the amendment would restrict the people from arranging the offices more than once in seven years. But they ought to be consolidated, or divided, if necessary, at the end of every three years. If the people chose, they should have the power to ask the Legislature for the consolidation or division of the offices at the expiration of each term of three years.

Mr. DUNLOP was in favor of the seven years. He understood it was to be proposed to fix the enumeration at six years. He proposed a long period of six or seven years.
Mr. BELL said the remarks of the gentleman from Allegheny, were correct in regard to his own county; but in reference to the majority of counties in the State, the number of inhabitants regulated the quantity of law business. It was necessary to have some rule, and what better or more certain rule than this could be found? He was sure that the mass of the people would never wish to consolidate or divide offices oftener than seven or six years. If the rule of taxation did not apply to Allegheny, he would be willing to make a separate rule for that county. Looking at Pennsylvania as it is, an agricultural State, no better general rule could be devised than this. In some of the counties, all the offices are insufficient for the support of one man. In the county of Delaware, all the offices were held by one person, and the same was the case in other counties; but it was to be hoped, that in less than half a century, those counties would be greatly enhanced in wealth and population.

Mr. AGNEW said he thought the evil which the gentleman proposed to remedy, was altogether imaginary. There had been little complaint of changes, or want of changes in the arrangement of offices by the Governor, who, it might be supposed, would be induced to make changes as often as the Legislature would. He urged several considerations in opposition to the amendment. If seven years was the time fixed for the enumeration, the Legislature would have to arrange the offices at unequal periods. He saw no reason either for limiting the discretion of the Legislature in this respect. If the Governor, who, for forty-seven years, had the management of this subject, and who was interested in multiplying offices, had not acted unnecessarily or improperly, why was it expected that the Legislature would take upon themselves the trouble to do, when there was no necessity for it? They were not so fond of taking upon themselves unnecessary trouble.

On motion of Mr. STEVENS, the committee rose, and the Convention adjourned.

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SATURDAY, JULY 1, 1837.

Mr. REIGART obtained leave of absence for a few days.

Mr. LONG asked leave of absence for a few days.

Mr. JENKS said it was extremely desirable that members taking for leave of absence, would state whether they or their families were sick; for no other reason, in the present state of our business, would induce him to grant leave of absence to any individual. He did hope that when the article was under consideration was disposed of, the Convention would see the propriety of adjourning till October or November, and a delay of a few days would not be any great inconvenience to those desiring absence.

Leave was granted.

Mr. BIDDLE, Mr. ROYER, and Mr. PORTER of Lancaster, obtained leave of absence for a few days.

Mr. MARTIN asked leave of absence for the balance of the Convention for a few days.

Mr. PURVANCE offered the following resolution, which lies over for one day:

"Resolved, That this Convention will adjourn sine die, when all the articles of the Constitution, together with the report of the committee providing a mode for future amendments, shall have been finally acted upon; and that it is inexpedient and unnecessary, at this time, to make any alterations or amendments on the subject of corporations, the currency, public high-ways, eminent domain, state debt, lotteries, Bank of the United States, secret societies, abolition of capital punishment, exorneration of the society of Friends from payment of militia fines, exclusion of trial by jury to fugitive slaves, and imprisonment for debt."

Mr. BINGLE obtained leave of absence for a few days.

Mr. LYONS obtained leave of absence for a few days.

Sixth Article.

The Convention again resolved itself into committee of the whole. (Mr. CHAMBERS in the Chair,) on the report of the committee on the sixth article.

The question being on the following amendment of Mr. Steiger's to the second article, as modified by him:

"Prothonotaries and clerks of the several courts, (except the clerks of the supreme courts, who shall be appointed by the respective court for the term of three years, if they shall so long behave themselves well,) recorders of deeds, and registers of wills, shall, at the times and places of election of representatives, be elected by the citizens of each county, or the districts over which the jurisdiction of said courts extends, and shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The Legislature shall provide by law for the number of persons in each county who shall hold said offices, and how many and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by an appointment to be made by the Governor, to continue until the next general election, and until a successor shall be elected and qualified as aforesaid."

And Mr. BELL having moved to strike out the words "provide by law," and insert the following: in the several periods of making the enumeration of the taxable inhabitants mentioned in section 4th, article 1st, designate by law."

The amendment was disagreed to.

Mr. DUNLOP moved to strike out "three years," where it occurs in the 7th line, and insert "five years." He thought there was nothing gained to the dignity of the State, or the advantage of the people, by rendering the term of office short. The best prothonotaries they ever had in his county was a gentleman who held the office for twenty-five years, and the bar and the bench derived great assistance from the experience of this officer, as he was prompt, able, and obliging. Another gentleman in the same county held the same office for twelve years, and discharged its duties with the strictest fidelity, courtesy, and ability. The officer required experience, and a knowledge of the practice of the courts, and of the course of legislation. He conceived it to be his duty to offer this amendment, though he did not suppose it would be adopted. Mr. D. also took exception to the phraseology of the amendment, as confused and contradictory.

Mr. STEVENS said it was impossible, in establishing the general principles, to have a strict regard to form and language. But we
future stage of the proceedings, a committee would, no doubt, be appointed to put the principles adopted in that correct and perspicuous language which was so desirable in a Constitution.

Mr. CUMMIN had the honor, he said, to belong to the committee which reported on this subject, and he would offer a few remarks in relation to it. The gentleman from Franklin was for life offices: he was not. Experience was the best instructor, and he knew, from his own observation, that the gentleman’s supposition that many years’ experience and practice were necessary to enable a person to discharge the duties of a prothonotary, was unfounded. But in the county of Juniata, when newly created, all the officers were new. We called a prothonotary from the plough, and he discharged the duties to the satisfaction both of the bar and the court. The gentleman told us that the office was filled in his county by two men for thirty-six years, and argued from it that long experience was necessary to discharge its duties. But this was not the fact, as experience had proved. He regretted the opposition made to this proposition. It appeared to him that the labors of this body were to have no useful results; that, for any practical purpose, our proceedings would be a mere blank. We might as well give up at once, if we were to be met at every moment with such objections. We had a right to go on and do what the people asked us to do and the files of this body would show that the people had called for this amendment—for the power of electing their officers for the term of three years, and then of re-electing them for three years more, if they had done well. They did not wish to give a monopoly of office to a few, and there would be no propriety in such a course. If there were two brothers equally competent and meritorious, was it not right that one should have an equal chance with the other to enjoy the emolument and the honor of any particular office? But, in members of the same community, we were all brethren, and were all equally entitled to fill such offices of trust and emolument as we were qualified for. Who were they who refused to carry this principle into execution? The people would not bear them out, though their party might. He hoped this amendment would not pass, and that, in time to come, no more such amendments would be offered—particularly as there was prevalent in the Convention an impatience of business, and a feverish anxiety to go home.

The amendment was lost.

Mr. DUNLOP moved to strike out “three” and insert “four.”

Mr. MEREDITH said it seemed to be the general sense of the Convention, that the appointment of the clerks of courts should be taken from the Governor, and given to the people. He was willing to take them from the Governor, by whom, no doubt, the power was injudiciously and sometimes injuriously exercised; but he did not believe that any thing would be gained by giving the power to the public. They would still be made the subject for party speculations and combinations, and incompetent or useless men would often be appointed. As one of the people himself, he did not wish to have any part in the appointment of these clerks, and he believed, for reasons that he went on to state, that the records would be better preserved and the interest of the public promoted, by giving the appointment of the prothonotaries and clerks to the respective courts, and he moved an amendment accordingly.

Mr. DORAN asked the yeas and nays, which were ordered.

Mr. DUNLOP said there was a general desire to reduce the patronage of the Governor, with a view to diminish the asperity of elections. But the majority party, for the same reason, ought to take their appointments from the counties, and give them to the courts. The minority party were the business men, who never meddled with politics but now and then; but the majority party was composed of men who had little to do but to manage the affairs of the public. It was only about once in twenty years that correct principles got uppermost; and, generally, the majority is in error. It would be an advantage, then, to give these appointments to the courts instead of the people.

He was anxious to gratify the people, and it was their wish that it should be cut down, and he was certain that they would acquiesce in the appointment of the clerks by the courts. The people of Philadelphia county, he was sure, would think so; for they appeared that, for i...
services of the best men, he would be disposed to vote for the amend-
ment of the gentleman from the city of Philadelphia. But he
thought that this was, at least, a matter of much doubt.

There was a peculiar propriety in giving the supreme court the
appointment of its own clerks. The election of such an officer
would be very inconvenient to the people. Besides, these judges
were supposed to be, in a great degree, removed from an active par-
ticipation in the political contests of the day. They were called on
to devote themselves entirely to the duties of their office; they have
a perfect knowledge of the duties appertaining to the office of pro-
thoraty, and of the qualifications necessary to the proper discharge
of them, and it was not to be supposed that they could not select the
most suitable persons for the office.

But with respect to the courts of common pleas, the case was
somewhat different. The people in each county could, without
inconvenience, select suitable persons for prothonotaries. They
were interested in having those offices well filled, and he did not doubt
that they would select the most suitable persons for that purpose.

The majority of each of the courts of common pleas was com-
posed of persons, who, although many of them were highly respect-
able, were not professedly law characters. As they are resident in
the counties where the appointment is to be made, it is probable that
the appointment could, in many cases, be controlled by them. This
would be a difficult and a delicate task. They receive their own
appointment from the executive: it is often made from political con-
siderations, and such considerations would probably enter into the
appointments made by them, and such appointments might be en-
tirely adverse to the wishes of the people.

He saw no good reason for withholding the election of such of-
cers from the people, and entrusting it to the judges of the courts of
common pleas, however respectable they might be.

Mr. FORWARD said he believed that, by giving the patronage to
the people in each county, we would connect them still more closely than they now
were with party politics. It was desirable, on the other hand, to dis-
connect the judiciary as much as possible from parties; and it was
this desire which formed the chief motive for changing the tenure of
the judges. The party character of the judges had brought their ten-
ure into disrepute. He admitted, however, that these appointments
might be made more conveniently and intelligently by the courts than
by any other body.

Mr. BONHAM opposed the proposition as calculated to impose
an invidious duty on the judges, and to bring them into collision
with public sentiment.

Mr. SERGEANT said the subject was one of some difficulty, and
it did not seem to be lessened by the discussion. Heretofore the Go-
vernor had those appointments. Hereafter, according to the amend-
ment, they will be made by the people. In both cases, the test of
qualification will be the same: In the former case, it was the will of
the majority of the state as represented by the Governor; and, in the
latter case, by the majority of the county. It was still the same prin-
ciple which was to determine the election, though changed as to loca-
tivity. In both cases, party considerations would predominate. No-
ting could be gained by the change, unless it was that some counties
where the minority party, as to the state, had the majority, would elect
officers of their party. This, though he had generally been in the
minority himself, he did not value a straw. He looked to the gen-
eral principle of the system, and he contended that the theory of these
appointments, as established by the present Constitution, was per-
fect. The main object was to elect men who were qualified, and the
theory of the Constitution was to give the appointment to one who
could inquire and ascertain who was qualified for the office, and was
provided with every facility for that purpose. The theory of the
Constitution was, that the Governor, who was not limited as to time
for inquiry, and possessed unbounded facilities for it, would select
qualified officers.

Now, why does he not do it? It may be that
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They derived their information through party newspapers and other
party agents, upon which they were accustomed to rely. They
would elect clerks, therefore, upon the same principles that they
made political elections. The theory of the Constitution, was there-
fore, to contend, correct in placing this power in the hands of the Governor, who could exercise it properly if he chose, and who, if
he did not, was prevented from doing it by political considerations alone.
He believed the judiciary would exercise the duty well; but he was
opposed to putting upon a court the exercise of any other authority
than is contemplated in the purpose of their creation—the adminis-
tration of justice according to law. He was opposed to giving them
any powers or duties which would lead them into the habit of con-
templating any other objects or interests than those of justice. He
admitted that, in practice, some inconveniences attended the present
mode of appointment; but, on the whole, he could see no better
place for it.

Mr. SMYTH, of Centre, said he was surprised to find that the
idea of leaving the appointing power in the hands of the Governor
was still entertained here. He had hoped that it had been abandoned
by all. Who was better able to judge of the qualifications of per-
sons for these offices, than the people of the respective counties, who
are interested in the discharge of their duties? He disagreed with the
honorable President in the supposition, that the Governor was better
qualified than the people to make proper selections for their offices.
Mr. Scott admitted that the theory of our government on this subject was beautiful; and, as a theory, not to be disputed. The theory was that the Governor, being charged with the investigation of the entire concerns of the Commonwealth, and being an upright and peaceable man, would make such selections as were best calculated to promote the interests of the people. But we are bound to assume, in consequence of the general opinion to that effect, that the theory had not worked well—that it was subject to abuse, and had been abused. We were bound also to assume, that the abuse was not of modern date, but of long continuance; as making about of that could lead to such general denunciation. The truth might perhaps be, that what was a good thing for half a million of people, was not equally good for a million, and still less for a population of three millions, which, in twenty years, would probably be that of Pennsylvania.

It is perhaps now, and would then certainly be, impossible for a governor of this Commonwealth to be intimately acquainted with the population of the different counties, so as to be able, by force of his personal knowledge, to select the men best adapted to fill the county offices. His individual and personal knowledge could not extend beyond the most eminent men, and that eminence would probably be, merely, the eminence of the active politicians. His selections would, therefore, be from among such men, or would be guided by information derived from partizans and partial friends. In other words, the "theory" which supposes an intelligent, unbiased choice, founded on the personal knowledge of the appointing power, could not be, as it hitherto confessedly has not been, carried out in practice. Should some strange chance elevate the executive chair a patriot so pure as to disdain the trammels of party, and to regard nothing but the high duties of his station, even he would necessarily be deficient in that minute acquaintance with individuals, which could alone lead to a satisfactory choice. Most of distinguished talents or great acquirements, who might be supposed to be known out of their own counties, are not required to fill these offices. They might better fill higher spheres of action. Plain, practical, good sense—industry, integrity, and habits of business, are the best qualifications, and are precisely those which commend the individual to the notice and approbation of his neighbors; while, amid the din of politics, they would fail to reach the notice of the distant Executive.

There is another objection to the executive appointment of these officers. The nucleus of party organization generally rests with them. In order to sustain themselves, they must sustain, right or wrong, the Executive at whose will they hold their offices. From them emanates the party orders received from head quarters, to the rank and file of the faithful. It is not improbable that, in some degree, they will, if elected by the people, continue to be party agents. But then, they will no longer look to a central and controlling power, as a great common centre, for directions how to manage the election. But it does not stop here. The Commonwealth is a member of a great confederacy, and by placing all the county offices in the State under the control of a central power here, the whole State may be led in subserviency to bow to a national central power. Suppose that a powerful, influential, and ambitious chief sit in the presidential chair, who is willing to wield the immense patronage of the general government to oppress the people, and to strengthen and perpetuate his power, and the State Executive should favor his views—then the people would have but little chance in resisting the encroachments of the federal Executive, supported by the patronage of both governments. What more powerful combination could be formed, not only to keep ambitious men in power, but to mould and shape the organization of party public opinion upon measures! This great central power, stretching to the remotest corners of the States, and reaching the extremities of the Union, would control every local election, and destroy the independence of the people. There was once a time when danger was apprehended of a disunion of the States from the fear of their separate interests being stronger than that of their general interests. But that day has gone by. The only danger now feared is, of the consolidation of all power in the hands of the Executive of the Union. And if ever the day comes when the liberties of this country will be destroyed, it will be in consequence of the use of this concentrated power in the hands of a powerful, able, and unprincipled chief, to oppress the people, frustrate their interests, and triumph over the Constitution.

By giving the election of these county officers to the people, this central and powerful party organization, extending from the national head to the extremities of the county, will be destroyed. It will carry the minority principle into its proper sphere of action, by the election of officers of the opposition in the majority counties. It will cut off that dependence which those of the majority feel to the Executive—and thus a concentrated, dependent, and dangerous party combination will be destroyed. The Legislature are so elected, that the minority are represented to watch and counteract the excesses of the majority. It preserves to the minority its rights, and secures the people against acts of party violence.

It was on this ground that he should go for an election of these officers by the people. He was opposed to giving these appointments to the judiciary; for he wished the fountain of justice to be kept pure. He wished this to be a place, where the injured man could seek a remedy when injury was done to him in person, or his property; but he did not wish this to be a place to rectify political evils.

It had been urged in favor of executive appointment, that when injury or wrong was inflicted by the officer, redress would flow from the Executive. He disliked this idea of application for relief to the executive. The freeman should never go there for redress. Let him look to the judiciary for his remedies—to the aid of a jury of his countrymen—if necessary, to the halls of legislation—but to executive authority, never. We had seen within these last few years some memorable instances of applications for relief by American citizens to American chief magistrates, which had brought the blush of shame on the cheek of freedom. He would have, therefore, no such remedy.

With regard to the amendment of his colleague, (Mr. Meredith,) state propriety would depend much upon the tenure of the judges. If their tenure is to be altered, and they are to hold their offices for a term of years, eligible to reappointment, then the appointment of these officers by the court would be unwise. The judges would be
continually looking to the executive for a re-appointment; and, perhaps, as an inducement to that reappointment, would be tempted to lend themselves to the nomination of clerks from the ruling political parties, and from mere political motives. The appointment to the clerkship of the court might settle the question of the reappointment of the judge. A judge should be above all such influences. The temple of justice should be his place of residence; the atmosphere of justice, the only air which he breathes; the interests of justice, the only interests which should occupy his mind. The temple of justice is polluted by contact with politics. If, however, the tenure of the judicial office shall be retained in its present condition, then the proposed amendment may be wise. He hoped his colleague would not insist upon the vote, until that point shall be settled.

Mr. MERRILL doubted whether it would be safe for the courts to have these appointments. It might bring them into disrepute among the people, and lessen the respect which is now felt among all classes for the judiciary. If this should be the case, the appointing power, in the hands of the courts, would be a public misfortune. In reply to the remarks of the President, (Mr. Sergeant,) that the Governor represented the whole people, it was only necessary to state, that he may be the proper agent of the State as a whole—as one consolidated and grand community—but the State was divided into separate and distinct communities, each county having separate and local interests. The sphere of these offices does not extend beyond the county limits. Here, then, is the mistake. The Commonwealth, so far as the county offices are concerned, are not one grand community, but divided into distinct and separate ones, and as much so as the several States of the Union. As there was danger of consolidating the powers of the general government into the hands of the executive, so there is danger of merging the distinct, separate, and local interests of the several counties into a central power, that will disregard the rights and wants of the people.

Mr. CURR thought that all must be satisfied by this time, that there was a majority of the committee in favor of cutting down the patronage of the Governor. He hoped that there would be less talking and more action on this subject in the Convention. Most of the arguments, he thought, were foreign to the subject, and calculated only to waste time. One gentleman from Philadelphia thinks that the question ought to be put of until the judiciary article is acted upon. That gentleman the other day voted against taking up that article, and in favor of passing over it. Why are these attempts to procrastinate, and put off the question? It must be seen that it will come at last. Why not, then, let us come up to the work for which gentlemen were sent here to perform? Is it too late, now, to talk about leaving the appointing power in the hands of the Governor? The doctrine is now exploded that the people are incapable of selecting their own officers, and that they cannot govern themselves.

Mr. MEREDITH said that when he offered the amendment, he had no idea that it would be agreed to; but he offered it to put it on record, and he had a right to do so. The minority, because they are the minority of this Convention, are not obliged to be silent. They are the representatives of a portion of the people, and have a right to be heard. All the proceedings here are to be submitted to a tribunal of the people, where the views of the minority here may have weight in the decision. But in duty to himself, he felt it his duty to do what he considered right, regardless of popular favor. He would never consent to act a slavish part, for fear that, if he did his duty, it might not be popular with the majority. He knew of no men better fitted to make slaves of others than those who could consent to become slaves themselves. He could not, therefore, withdraw his amendment; he wished to put it upon the records of the Convention, that when they went out to the people, it might be seen that the trial was made, if it should prove unsuccessful. He could not agree with his colleague (Mr. Scott) that the present was not the proper time to offer it, as there could be no other fit opportunity.

He differed with both of his colleagues, who had spoken this morning: one of them (Mr. Sergeant) was in favor of continuing the appointment of these officers in the hands of the Governor; the other (Mr. Scott) was favorable to their election by the people. With great respect for their opinions, he was obliged to differ, believing that, as these officers were connected with the courts, the appointments would be better made by the courts. The reason which had been urged against the courts was, that it would corrupt them. Experience has proved the contrary in every case of judicial appointment. In the United States courts, where the judges appoint their own clerks, no complaint of corruption has been heard. The county commissioners appoint their own clerk, and also the treasurer, and no evils had arisen out of the practice. In England, the judges were responsible for the records, and why should they not be every where? Whatever might be the case in appointments by the Governor, appointments by the judiciary would form no political nucleus of party organization. This was no new thing: in the original charter of Pennsylvania, the courts appointed their own clerks, and no evil ever grew out of the practice. The plan of electing them by the people arose from a mistake in considering them political offices. It was a mistake that the courts would be thrust into politics, inasmuch as these offices are in no respect political.
He disagreed with his colleague (Mr. Scott) in regard to the effects of appointments by the Governor on the politics of the country. He had looked in vain for an instance of a chief magistrate being able to sustain himself in power by his patronage. This patronage sometimes had the effect to lessen his popularity. When Governor M'Keen was elected, he came into power by the vote of his party; but instead of interchanging himself in power, he could not retain the votes of his own partizans, but was re-elected by his former opponents. Governor Snyder succeeded Governor M'Keen with the opposition of Governor M'Keen and his administration; and if there had been any central influence, it was against him. No Governor ever had better views on State policy than Simon Snyder, and would to God that his successors had followed in his footsteps. He was elected for the third term; but will any one say that he was re-elected in consequence of his patronage? Governor Findlay was next elected by the powerful party that sustained Governor Snyder. He was true to that party, and with all his patronage, was defeated on the first trial for a re-election. He was succeeded by Governor Heister, who declined a re-election; but his administration was in favor of Mr. Gregg, and if any central power was used at all, it was used in his favor. But Governor Shulze succeeded by a large majority: he was re-elected for a second term without much opposition; but with all his patronage, he could not control his own party, and lost his nomination for a third term. The same thing happened to Governor Wolf, who was so far rejected by his own party, that he could not rally his party vote, with all his patronage at his command. The present Governor came into power with the influence of both the general and State administrations against him; and if he is elected, it will not be owing to the central power at Harrisburg, nor the patronage of his office, but it will be in consequence of sustaining the interests of the Commonwealth, regardless of popular prejudices. The fear, then, of this central power, does not seem to be borne out by the experience of the Commonwealth.

But there seems to be an inconsistency in this fear of patronage in this case. When you are giving the election of these pitiful offices to the people, not worth in some counties a five penny bit—what is to become of the army upon your public works? The seven thousand and half belonging which, it is said, are required upon the public improvements? They are left to the Governor and Senate, or to be disposed of according to the determination of the Legislature. He believed that the Legislature would determine to elect them themselves in all future time, and then there would be a central power indeed, which might be dreaded. All would be elected in caucus, and the public offices would be disposed of by an irresponsible cabal. Look into the State of New York, and you will see that the Albany regency governs the State by this machinery. The Legislature elect those officers, and that Legislature is controlled by a central power, which is unknown in Pennsylvania. Go through that commonwealth, and you will find no oasis—no green spots in the desert of politics—where volunteer candidates are elected, and where the minority flourishes in freedom of central domination.

Mr. SCOTT said that he did not wish to be misunderstood in reference to the patronage of the Governor. He did not differ greatly with his colleague who had just taken his seat. When the second article of the Constitution was under consideration, he took occasion to demurrate against the course then pursued. When, by one stroke of the pen, the whole patronage of the Governor was taken away, with the exception of the appointment of Secretary of the Commonwealth, he gave his reasons against it. His views were unchanged. His remarks this morning were confined to county officers.

The vote being taken, the motion of Mr. Meredith was negatived by the following vote:


Mr. DUNLOP offered the following amendment: "Strike from the first line the word "except," and from the second and third lines the words, "who shall be appointed by the court for the term of three years, if they so long behave themselves well."

This amendment was intended to make the clerk of the supreme court elective on the same ground as the clerks of the other courts.

Mr. CURILL said that he hoped that the friends of reform would vote down the amendment. It was an attempt on the part of those who believed the people could not govern themselves.

Mr. DUNLOP said that this came with an ill grace from a dele
Mr. DUNLOP called to order.

He replied that he had said all that he wished.

The vote was then taken, when the amendment of Mr. Dunlop was negatived.

Mr. KONIGMACHER offered the following amendment: "Strike out the words, 'of the supreme court for the term of three years, if they so long behave themselves well.'"

The amendment was lost without division.

Mr. EARLE said that he should vote against the amendment, because it permitted judges to appoint their clerks, and to appoint their relations to the office.

The vote was then taken on the amendment of Mr. Sterigore, as modified, when it was agreed to by the following vote:


Sergeant, President—105.

NAYS—Mr. Earle—1.

Mr. EARLE then moved to amend the report as amended, by adding the following, viz: "Provided that no person related within the fourth degree, by blood or marriage, to any judge of any court, shall be appointed by such court to any office or trust, to which any compensation shall be attached."

The amendment of Mr. Earle was negatived.

Mr. STEVENS then moved to amend the amendment as adopted, by adding to the end thereof, the following, viz:

"Inspectors of flour and all other inspectors within this Commonwealth, who are now appointed by the Governor, except brigade inspectors: all deputy surveyors, and deputy attorney generals, Lazzaretto physicians, health officers, wardens of ports, and notaries public, shall be elected by the citizens of the respective cities or counties, within which they are to keep and exercise the duties of their offices."

Mr. AGNEW hoped that the gentleman from Adams would withdraw his amendment. He had not had time to examine into the expenses mentioned in it, and was not prepared to vote either for or against it. There might be some of the officers mentioned who ought to be elected, and others not.

Mr. STEVENS replied at considerable length in favor of the amendment. Several delegates who talked so much about the people, it seemed, finished when a proposition was made to give them the election of the officers mentioned in his amendment. Who were afraid to trust the people now? He then alluded to the course of gentlemen who pretended to be in favor of reform, but who delayed the proceedings by that course. He said that he had been furnished with a statement of the expenses, and they amounted to $75,000, and yet but little was done.

Mr. BROWN, of Philadelphia, animadverted upon the course of the gentleman from Adams (Mr. Stevens) in bringing in at such a time, and in such a manner, a great number of officers, of various duties, and confined to various districts, having no specified bounds or relation to each other. He (Mr. B.) was favorable to the election of the officers, or at least a part of them, by the people; but he wished the matter brought in at a proper time, and in a proper manner. 

Mr. B. here briefly reviewed the amendment to show its objections as offered. He then reviewed the course of Mr. Stevens in bringing before the Convention the expense of its session, and said that the gentleman from Adams (Mr. Stevens) had been for several years a member of the Legislature that sat at a much greater daily expense than the Convention could do; and yet he (Mr. S.) had never complained of the time wasted, or the expense. Nor had he ever proposed to reduce that expense. He, (Mr. B.) therefore, thought all this cry of expense was like much of that gentleman's speeches and propositions, merely for effect out of the Convention.

Mr. CLARKE, of Indiana, then called the previous question.

The following is the vote on the main question: Mr. STEVENS moved to amend the report as amended. NAYS—Messrs. Banks, Barclay, Barns, Burch, Bayne, Bell, Bignord, Bonham, Brown of Northampton, Brown of Philadelphia, Butler, Carey, Chambers, Chandler of Chester, Chauncey, Clarke of Dauphin, Clarke of Indiana, Cleavinger, Cochran, Craig, Crain, Crum, Cumming, Curll, Darlington, Darragh, Denny, Dieckey, Dickerson, Dillinger, Donnell, Dunlap, Farrelly, Fleming, Forward, Foukrod, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Harris, Hastings, Hayhurst, Helfenstein, Henderson of Allegheny, Heister, Hopkinson, Houpt, Hyde, Jenkins, Keim, Kennedy, Kerr, Konigmaccher, Krebs, Maclay, Magee, Mann, Martin, M'Call, M'Dowell, M'Sherry, Meredith, Merrill, Meriel, Miller, Montgomery, Myers, Nevin, Overfield, Pollock, Porter of Northampton, Purviance, Read, Riter, Ritter, Rogers, Royer, Russell, Sager, Scott, Sellers, Serrill, Scheetz, Shellito, Sill, Smith, Smyth, Snively, Sterigore, Stevens, Stickel, Swetland, Taggart, Thomas, Todd, Woodward, Young.

Sergeant, President—105.

NAYS—Mr. Earle—1.

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The amendment of Mr. Earle was negatived.

Mr. STEVENS then moved to amend the amendment as adopted, by adding to the end thereof, the following, viz: "Inspectors of flour and all other inspectors within this Commonwealth, who are now appointed by the Governor, except brigade inspectors: all deputy surveyors, and deputy attorney generals, Lazzaretto physicians, health officers, wardens of ports, and notaries public, shall be elected by the citizens of the respective cities or counties, within which they are to keep and exercise the duties of their offices."

Mr. AGNEW hoped that the gentleman from Adams would withdraw his amendment. He had not had time to examine into the expenses mentioned in it, and was not prepared to vote either for or against it. There might be some of the officers mentioned who ought to be elected, and others not.
Amendments to the Constitution of Pennsylvania.

IN ARTICLE I. Sec. 2. To read as follows: The representatives shall be chosen annually by the citizens of the city of Philadelphia, and of each county respectively, on the third Tuesday of October.

Sec. 3. To read as follows: No person shall be a representative who shall not have attained the age of twenty-one years, and have been a citizen of the State three years next preceding his election, and the last year thereof an inhabitant of the city or county in which he shall be chosen, unless he shall have been absent on the public business of the United States, or of this State, or unless he shall previously have been a qualified elector in this State, in which case he shall be eligible upon one year's residence.

Sec. 4. To read as follows: In the year eighteen hundred and forty-two, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made, in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the city of Philadelphia and the several counties, according to the number of taxable inhabitants in each, and shall never be less than sixty, nor greater than one hundred.

Sec. 5. To read as follows: The senators shall be chosen for three years by the citizens of Philadelphia and of the several counties, at the same time, in the same manner, and at the same places where they shall vote for representatives.

Sec. 6. To read as follows: The Senators shall be chosen in districts to be formed by the Legislature, each district containing such a number of taxable inhabitants as shall be entitled to elect not more than two senators, unless a single city or county shall be entitled to more than two. When a district shall be composed of two or more counties, they shall be adjoining. Neither the city nor any county shall be divided in forming a district.

Sec. 7. To read as follows: If any person shall be a senator who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the State four years next before his election, and the last year thereof an inhabitant of the district for which he shall be chosen, unless he shall have been absent on the public business of the United States, or of this State, or unless he shall previously have been a qualified elector in this State, in which case he shall be eligible upon one year’s residence.

Sec. 8. To read as follows: No person shall be a speaker of either house, who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the State four years next before his election, and the last year thereof an inhabitant of the district for which he shall be chosen, unless he shall have been absent on the public business of the United States, or of this State, or unless he shall previously have been a qualified elector in this State, in which case he shall be eligible upon one year’s residence.

Sec. 9. To read as follows: The General Assembly shall meet on the first Wednesday in January, unless sooner convened by the Governor.

Sec. 10. To read as follows: Each house shall choose its speaker and other officers. In case of the sickness or necessary absence of the speaker of either house, a pro tempore may be chosen; and the Senate shall also choose a speaker pro tempore when the speaker shall resign the office of Governor.

In Article II. Sec. 2. To read as follows: The Governor shall be chosen by the citizens of the Commonwealth at the times and places where they shall respectively vote for representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, and there the Governor, who shall open and publish them in the presence of the members of both houses of the Legislature. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both houses.

Sec. 3. To read as follows: The Governor shall hold his office during three years from the third Tuesday in January next ensuing his election, and shall not be capable of serving more than six years in every term of three years.

Sec. 4. To read as follows: He shall appoint all officers, whose offices are established by this Constitution, or shall be established by law, and whose appointments are not herein, or shall be by law otherwise provided for. But no person shall be appointed to an office within any county, who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected; but if it shall not have been so long erected, then, within the limits of the county or counties out of which it shall have been taken. No member of Congress from this state, nor any person holding or exercising any office of trust or profit under the United States, shall at the same time hold or exercise the office of judge, secretary, treasurer, prothonotary, register of wills, recorder of deeds, sheriff, or any office in the state, to which a salary is by law annexed, or any office which the legislature shall declare incompatible with offices or appointments under the United States.

Sec. 14. To read as follows: In case of the death or resignation of the governor, or his removal from office, the speaker of the House of Representatives shall exercise the office of governor, until another governor shall be duly qualified. But in such case, another governor shall be chosen at the next annual election of representatives, unless such death, resign-
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nation, or removal shall occur within three calendar months immediately preceding such an annual election, in which case a governor shall be chosen at the second succeeding annual election of representatives. If the trial of a contested election shall continue longer than the third Tuesday in January next ensuing the election of a governor, the governor of the last year, or the speaker of the house who may be in the exercise of the executive authority, shall continue therein, until the determination of such contested election, and until a governor shall be qualified as aforesaid.

Sec. 10. To read as follows: The citizens shall elect a competent number of justices of the peace, in such convenient districts in each county as see or shall be directed by law. They shall be commissioned for the term of five years, but may be removed on conviction of misdemeanor in office, or of any infamous crime, or on the address of both houses of the Legislature.

In Article VI. Sec. 1. To read as follows: Sheriffs and coroners shall, at the times and places of election of representatives, be chosen by the citizens of each county. One person shall be chosen for each office, and shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified; but no person shall be twice chosen or appointed sheriff in any term of six years. Vacancies in either of the said offices shall be filled by a new appointment to be made by the Governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

Prothonotaries and clerks of the several courts, (except the prothonotaries of the supreme court, who shall be appointed in the respective districts by the court, for the term of three years, if they shall so long behave themselves well, and are not removed by the court,) recorders of deeds and registers of wills, shall, at the times and places of election of representatives, be elected by the citizens of each county, or the districts over which the jurisdiction of said courts extends, and shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The Legislature shall designate by law the number of persons in each county, who shall hold said offices, and how many and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by an appointment to be made by the Governor, to continue until the next general election, and until a successor shall be elected and qualified as aforesaid.

Sec. 3. To read as follows: The freemen of this Commonwealth shall be armed and organized for its defense, when, and in such manner, as the Legislature shall by law direct.

The remaining sections of the existing article to be numbered 4, 5, and 6.

Article VII. Sec. 1. To read as follows: The Legislature shall, as soon as conveniently may be, provide by law for the establishment of schools throughout the State, in such manner that all children may be taught at the public expense.

Sec. 2. To read as follows: The arts and sciences shall be promoted in such institutions of learning as may be alike open to all the citizens of this Commonwealth.

Article 9. Add the following sections to be called sections 26, 27, 28, and number the present section 26, number 20.
Sec. 28. No perpetual charter of incorporation shall be granted, except for religious, charitable, or literary purposes, nor shall any charter for other purposes exceed the duration of one hundred years.

Sec. 29. No charter of incorporation, to be granted for banking purposes, or for dealing in money stocks, securities, or paper credits, shall exceed twenty years.

Sec. 30. The Legislature shall have no power to combine or unite in any one bill, or in more than one bill, any distinct subjects or objects of legislation, or any two or more distinct appropriations, or appropriations to distinct or different objects, except appropriations to works exclusively belonging to and carried on by the Commonwealth; and the object or subject matter of each bill or act, shall be distinctly stated in the title thereof.

ARTICLE 10. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if the same shall be agreed to by a majority of the members elect each of the two houses, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published as soon as practicable, in at least one newspaper in every county in which a newspaper shall be published; and if, in the Legislature after the next elections chosen, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each house, the Secretary of the Commonwealth shall cause the same again to be published in manner aforesaid, and such proposed amendment or amendments shall be submitted to the people of this state who shall vote thereon, such amendment or amendments shall become a part of the Constitution.

Schedule. That no inconvenience may arise from the alterations and amendments in the constitution of this Commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained:

1. That all laws of this Commonwealth, in force at the time of making the said alterations and amendments in the said constitution, and not inconsistent therewith; and all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

2. That the present Governor shall continue to exercise the executive authority of this Commonwealth, as heretofore, until the first Tuesday of January eighteen hundred and thirty nine.

3. That all officers in the appointment of the executive department shall continue to be appointable, and shall exercise the duties of their respective offices, according to the constitution of one thousand seven hundred and ninety, until the officers directed to be elected or appointed under these amendments, shall be duly qualified, unless their commissions shall sooner expire by their own limitations, or the said officers become vacant by death or resignation, and shall thereafter be appointed and commissioned by the Governor, except that the judges of the supreme court shall hold their offices for the terms in their commissions respectively expressed.

4. That justice shall be administered in the several counties of the state, until the period aforesaid, by the same justices, in the same courts, and in the same manner as heretofore.

5. That no person now, in commission as sheriff, shall be eligible at the next election for a longer term than will, with the time which he shall have served in the said office, complete the term of three years.

6. That until the first enumeration shall be made as directed in the fourth section of the first article of the constitution, established by this convention, the city of Philadelphia and the several counties shall be respectively entitled to elect the same number of senators and representatives as is now prescribed by law.

7. That the commissions of the president, and other judges learned in the law, now in commission, who shall then have been ten years, or more in office, shall expire on the first of July one thousand eight hundred and forty, and of those who shall not then have been so long in commission, at the expiration of ten years from their respective appointments.

8. That the first election of Governor, senators, and representatives, under these amendments, shall take place on the third Tuesday of October, A. D. one thousand eight hundred and thirty eight.

9. That the first election of prothonotaries, clerks, registers, recorders, and associate judges, shall take place at the same time.

10. That, until otherwise directed by law, two justices of the peace shall be elected in each borough, ward, or township, on the day appointed by law for electing constables, except in the city of Philadelphia.

11. Until otherwise directed by law, the county officers shall be as follows:

In the city of Philadelphia, the clerkship of the mayor's court shall be filled by one person.

In the city and county of Philadelphia, the respective offices or prothonotary of the common pleas, the prothonotary of the district court, the clerk of the court of quarter sessions, the clerk of the orphans' court, the register of wills, the recorder of deeds, shall each be filled by one person, and the clerk of quarter sessions shall be clerk of the court of oyer and terminer.

[The remaining counties are left in blank in the resolution.]

Mr. P., in offering the above, said the amendments proposed did not altogether correspond with his own wishes; but it was very evident that nothing could be done, unless by mutual concession of opinion. The proposition was drawn with this view, and it contained no new matter. He thought its adoption would have the effect of shorten our labours.

Mr. STERIGERE said there were some matters in the proposition which differed from the decisions already made by the Convention. Instead of embarrassing our files with these and similar positions, and printing them at a considerable expense, he thought they ought to be referred to a select committee without printing.

Mr. PORTER said it was rather out of place in the gentlemen from Montgomery to object to printing this resolution, when he h
Mr. FORWARD hoped the usual course would be pursued. He wished to examine the proposition.

Mr. BROWN, of the county, said if gentlemen were to bring in a Constitution in this way, and have them printed, he would introduce a whole Constitution to-morrow morning.

Mr. OVERFIELD offered the following resolution: Resolved, that this Convention adjourn on the 14th day of July, to meet again on the 16th day of October next, in this place.

Mr. DORAN called for the second reading and consideration of the resolution.

Mr. DORAN demanded the yeas and nays on the question, and, being taken, it was determined in the affirmative—yeas 64, nays 34, as follows:


Mr. HEISTER moved to amend the resolution by striking out all after the word «Resolved,» and insert the following: «that when the Convention adjourns, it adjourn to meet on Wednesday next.»

Mr. HEISTER asked the yeas and nays, and, being taken, they were—yeas 25, nays 69, as follows:


Mr. DARLINGTON said this was one of the ways to kill a proposition by a side blow. Though the day did not meet his views, yet it was certain that the majority think it necessary to adjourn until autumn, and the day fixed in the resolution probably suited the majority as well as any other day. It was objected to the proposition to meet in October, that the Legislature would want the hall before we got through. If that was the case, we might go elsewhere. He would, himself, if the resolution was agreed to, offer a proposition to inquire whether we can have suitable accommodations in Philadelphia.

Mr. M'DOWELL hoped, he said, that the amendment would not pass. He saw plainly the object of the gentleman from Adams. He wanted to get all the reformers on board of that ship, in the hope that they would never get back again.

Mr. MANN said this subject had been discussed heretofore, at a great expense of time, and he, therefore, called the previous question; and it was seconded by the requisite number of members.

The question being, «shall the main question be now put?» Mr. STEVENS asked the yeas and nays.

The question was determined in the negative—yeas 49, nays 50, as follows:


NAYS—Messrs. Agnew, Baldwin, Barn-dollar, Bayne, Brown of
The PRESIDENT stated it had been the usage to consider the decision against putting the main question as deferring the proposition for one day; but that such had not been adopted here, and from what he knew of the sense of the Convention on the subject, he believed they would not sustain it. He should, therefore, decide, with the consent of the Convention, that the subject was still before them for consideration.

Mr. FULLER moved that the resolution and amendment be postponed till Friday next. He hoped that no adjournment would take place until we had gone through with the sixth article. He should be governed by that entirely as to the time of adjournment. If we could not get through that, he should be opposed to adjourning on the 14th. There were now but ninety-eight members present, and probably more would absent themselves. He doubted the propriety of continuing the session with so small a number of members, and thought it better to adjourn till fall.

Mr. FLEMING said we seemed to have a strong disposition to practice that which we condemned in the Legislature, and which we had undertaken to remedy as an evil. The Legislature was in the habit of adjourning over the holidays, and we were trying to prevent them from it, by postponing the day of meeting. But while we were acting as guides for others, we ought to avoid falling into the same error ourselves.

He had hoped that the wire edge of the speech-making had been in some measure worn off. We certainly had made up our minds as to many of the questions that were to be decided, and there would be no necessity for further discussion upon such propositions. Our labor had certainly been protracted to a length unexpected by us; but now, after two months talking, and much of it in a "ring," the desire for speaking had greatly subsided, and it would be highly injudicious to suffer gentlemen to go home, and what their abilities for a second course of speeches upon the same subject. Mr. KERR hoped the motion to postpone would prevail; but he was in favor of a longer time. He thought it improper to take the advantage of the absence of so many members to pass this resolution. He moved to amend the amendment to postpone, by inserting this day week, but withdrew it.

Mr. JENKS was in favor of the motion to postpone, not thinking this a favorable time for acting on the question. But the necessity of early action upon it was evident to him. He thought it advisable to adjourn in order to meet under more favorable circumstances.

Mr. CUMMIN was opposed to the postponement, and in favor of the resolution. Hereafter he had steadily opposed every motion to adjourn; but from seeing that nothing could be done, he should vote for the adjournment. Every morning the resolution would be brought up, and debated through the whole of the morning session. The gentleman from Adams had offered an amendment to adjourn for a week, because in that time he could go home and attend to his private concerns. He and others could go home in a day. But how was it with him and the member from Erie county? They were too far from home to avail themselves of this short recess. It was an extraordinary proposition to come from a gentleman of such high talent—to go to see a vessel launched! The gentleman says we must go, because we will go whether or not. He certainly could not have been in earnest. The resolution of the gentleman from Monroe, he considered as expedient and proper. He hoped it would be adopted. We should then have no more debates or adjournments, but be able to go on till the 14th with the business before us. Many amendments had been offered here and discussed, merely with a view to throw obstacles in the way of the proceedings. We ought to be more serious in the discharge of our duties. It was a solemn occasion on which we had been called together. We were convened to adopt a form of government that might endure for ages. We should be as solemn as if we were going about worship; for we are acting not only for ourselves, but for posterity. He was sorry to witness the end of so many light and unnecessary propositions and discussions here. If we looked back to our journals, we should see a great many propositions there recorded, the movers of which never expected to carry them into effect. He hoped we should go home on the 14th, and, returning in the fall, endeavor to complete our work.

Mr. FULLER withdrew his amendment, in order to arrest the debate.

Mr. KERR renewed it.

The motion to postpone was lost.

The motion of Mr. STEVENS was negatived—yeas 4, nays 94, as follows:

YEAS—Messrs. Brown of Northampton, Meredith, Stevens, Sergeant, President.


Mr. EARLE was in hopes, he said, that, after the defeat of repeated attempts to carry this proposition, it would not be renewed during the absence of so many members. The motion was in furtherance...
CONVENTION PROCEEDINGS.

(Continued from Monday.)

of the views of those conservatives who wished to prevent any amendments being made to the Constitution which were desired by the people, and who had brought forward questions which the people did not propose for our consideration. We spent two weeks on an article which it was never expected that we should amend, and we were urged into the debate upon it. We had been repeatedly excised with questions of adjournment, and every obstacle had been thrown in the way of our progress; and the objects of the Convention had been defeated by a minority. He was opposed to adjournment, until we had acted on the terms of office; upon the mode of appointing Judges, Justices of the Peace, and Aldermen; and on future ascendents.

Mr. CHAMBERS remarked that, classed as he was with the conservatives in that body, he was unwilling to hear, without reply, the reproach of the delegate from the county of Philadelphia, (Mr. Earle,) that the conservatives in the Convention had, from their first meeting, combined to delay and prevent the action of this body on the work of revision and amendment of the Constitution.

Mr. EARLE explained, by saying that he did not mean to include all the conservatives.

Mr. CHAMBERS said that the charges made against the conservatives were unfounded, and in opposition to the facts. He said he had occasioned no delay, nor any postponement, in relation to the judiciary. He had advocated the consideration of the report on that subject; and had voted for it, and against the substitution of the report for the 6th article now under consideration.

If, sir, an examination was had of the journal, it would be found that the frivolous questions and motions that had been made, and consumed so much of the time of the Convention, and occasioned delay, were nearer to the skirts of the gentlemen from the county of Philadelphia, and some of his friends, than to those of the conservatives.

Mr. C. said he had heretofore voted against every proposition to fix a day for the adjournment of the Convention, and in favor of postponing the resolutions submitted on the subject, as he was desirous of acting on the more important topics; and having from the Convention, for the information of its members and the people, an indication of what were the opinions of the Convention in relation to those topics before that adjournment. He was desirous of considering and determining on the report in relation to the judiciary, before any adjournment. This was a subject of deep interest to the people. It came home to their rights and interests, and demanded, when it was taken up for consideration, deliberation and full discussion. He was unwilling to take up this important subject for consideration, with the expectation of adjourning before it was disposed of; for, when taken up, it must command time, attention, and discussion. As a conservative, he was for maintaining the judicial tenure of good behavior; and if it was to be changed by a constitutional provision, it should be done after full discussion and deliberation.

A Convention to amend or form a Constitution of government, should not act precipitately. It is not even like an ordinary legislative body, whose errors of legislation may be corrected by the next annual Legislature. A Convention is to form fundamental and permanent laws, and if errors and imperfections are allowed in constitutional provisions, they are not to be corrected by the people, to whom they are submitted for adoption or rejection: the people are to take or reject, in manner, form, and substance, the amendments as here adopted and submitted, and have not the power to amend our amendments.

It will not do, to excess our imperfections on hastily adopted provisions, to say to the people in relation to the judiciary, or other important branches of the government, that we had allowed day after day of our time to be consumed in discussing mere questions of order, and that we had also allowed so much of that time to be consumed in discussing the propriety and expediency of the registry law, passed by a late Legislature, and in arraigning the motives and influence by which that law was passed, that we had not time to examine and consider, with attention, the organization of the judiciary department, and that we hurried over it with impatience.

I do not agree with the gentleman from Lycoming, (Mr. Fleming,) that it is to be presumed that the members of this Convention have made up their minds on all the subjects to be acted on, and are prepared to debate and vote on them at once. I will not say that I am prepared to decide on those important subjects in their details, as presented to us, without debate and deliberation. I came here with opinions formed, on some reflection, on subjects that have received my attention, and which opinions have been changed by the discussion I have heard in relation to the subject on this floor. Being myselfopen to reason and conviction, I indulge no such presumption as that the opinions of all are formed, and are not to be influenced by argument and discussion.

Opinions in relation to the organization of government will undergo changes from reflection, on the suggestions and arguments of others. This has been the case in other conventions for the formation of constitutions of government. In the Convention which formed and adopted the Constitution of the United States, and which had within
DAILY CHRONICLE AND CONVENTION JOURNAL.

It is the determination of this Convention to continue its session until our labors are finished, and the amendments submitted to the people. As there is a variety of very important subjects to be considered and acted on, they will require time—it must engage the Convention during this month and the next. If the Convention is unwilling to sit so closely engaged during the month of August, and endanger their health, it will be better to adjourn by the 14th of July, provided an adjournment is to be made for a time. An adjournment on that day would accommodate a large number of the Convention, who are farmers, and whose private interests at this season of approaching harvest, call for their attention; and it is believed that the public-interests would not be prejudiced by any such adjournment at that time.

To the people, it makes no difference whether the adjournment be in July or August; whilst, to many in the Convention, an earlier adjournment would be very desirable. I am disposed to consult their interests, and go-for an early adjournment, as it would not be any injury to the public service. I do not believe that the people require or expect this Convention to remain in session at the peril of their health and lives during the months of July and August. I have no idea that the people of Pennsylvania are suffering under our State government. It is idle and unfounded to say that the people are groaning under the tyranny of the government, as has been said on this floor, when we know that our State has flourished and our people prospered.

I am disposed to adjourn after disposing of, in committee of the whole, the report of the committee on the 6th article now under consideration; and am unwilling to enter on the consideration of the judiciary, without giving it full time and consideration. I will not consent, from any regard to time, to pass over this department at a gallop; nor will I agree that its important provisions shall be hurried over in an afternoon session, and that great radical changes shall be hammered out and finished with a single heat.

It is alleged, however, that the question of adjournment ought to be postponed, until we have a full Convention, there being upwards of thirty members absent, and that we may proceed with the business of the Convention. To my mind, this reduced number is an argument in favor of adjournment; for that number will be probably more reduced by the absence of members at this season; and if the number is not sufficient to pass on the more question of adjournment, it is not to be deemed sufficient to proceed with the consideration and adoption of prominent constitutional provisions.

Entertaining the opinion that the season and circumstances are unfavorable for full deliberation and full discussion of the several important subjects for the attention of the Convention, and that the public interests will not be injured by the delay till October, I shall vote in favor of the resolution to adjourn on the 14th of July.

Mr. DUNLOP was in favor of the resolution offered by the gentleman from Monroe, and opposed to the amendment of the gentleman from Philadelphia. He took a view of the question pending in relation to the 6th article, to show that its consideration would require some time longer—till the middle of July at least. Deliberation was necessary at every step. It was nearly impossible at this season of the year, when the minds and bodies of the members appear to be so harassed and wearied by incessant and long sittings, forenoon and afternoon, to give a proper attention to any question. Every one saw that the members had become listless and indifferent to the discussions here, and that this body was not in a state to act upon the important questions before it. He would reply to the argument of the gentleman from the county near him, (Mr. Earle,) if he were a more easy subject of convictions, or even if he had about him the ordinary pliability of human nature. But the gentleman had too much of the Davy Crockett-principle of "go-a-head," right or wrong. He is emphatically a confirmed man. Like the sheepl, if you attempt to head him, and he can't pass you, he will go straight over your head. If he can't go through you, he will go over you. Who is the minority by which the progress of business has been so much obstructed? Is there any doubt where it is to be discovered? [looking at Mr. Earl.] I know of no distinctive minority here, Mr. Chairman, on any question; unless we give that distinguished appellation to the gentleman himself? Who can claim so exclusively, to be the only, uniform, persevering, dogged minority, but the great agitator of the county himself? Who but her- self, would have had the hardihood to stand alone on Saturday; solitarily and alone, but he on the question of giving the people the right to elect the county officers? He is emphatically, the minority. He even voted against his own favorite project of giving the election to the people, and in the imposing minority of one. Why does he charge the minority with hurrying and obstructing the House, when he is always the minority? Every member would point his finger at the minority which harassed this House, and by the indulgence and courtesy of the majority, he was permitted to harass it as much as he pleased. Why, then, does the gentleman talk of minority, when he is himself alone abnoxious to his own denunciations, the most continu ed minority, if not the profoundest, he ever heard of? As to himself, Mr. D. said, he had been a week at a time without speaking a word, except for the purpose of mere explanation, in the hope that his example would be followed by others as little likely to instruct himself—but in vain. The very men who are constantly calling "question" upon others, are those who are most eager to occupy the time, if not the attention of the meeting, after a long harangue, set down and called for the question, and then for the previous question. He had cherished the hope that we might get along through...
the business, during our present sitting, but he believed it was impossible. Thirty members were now absent, and it would be impossible to keep some members here during the harvest particularly. Many would go home with or without leave, and those who remained would be, as we now saw them, listless and indifferent to what was passing. The subject in hand was too great to be disposed of under such circumstances. In this view, we ought to adjourn till a season more congenial to deliberate consideration. But there was another reason: Before we went on any further, he hoped the people would be made acquainted with the expenses of the Convention, in order that they might compare the value of the amendments which we might make to our present admirable Constitution with their cost. If the people had any idea of our expenses, it was more than he had had until within a few days.

He hoped the proposition intended to be offered by the gentleman from Adams, would be connected with the present motion to adjourn, and it was in that view that he advocated it. That is, to submit the amendments already passed upon, and the further question to be left to the vote of the people at the next October election, whether the amendments which were yet desired, were worth the expected cost. If the probable expenses of the Convention will be half a million of dollars, and if we have already expended nearly $75,000, he insisted, that the further sitting of the Convention ought certainly to be placed before the people.

He would detail the daily expenses of the Convention as they were estimated by one of the assistant secretaries, viz: Daily pay of members, $400 Printing debates, journals, &c., 100 Daily Chronicle, 03 Ascertained contingencies, 125 Stenographers, 30 Secretaries, 32 Postage, 100 Doorkeeper, 8 Sergeant at arms, 5 Messenger, 2 Supposed contingencies, 75 Total $957.50 per day.

To this daily expense of nearly one thousand dollars, was to be added the mileage of members, which was estimated at four thousand dollars, or about thirty-three dollars on an average for each member. To this expense, was to be added the printing of the reports of the debates and proceedings; and, if we sat six months longer, and continued to make speeches at the same rate that we had done hitherto—and an adjournment would, no doubt, bring us back with renewed ardor, and a new stock of matter for debate—our volumes of reports would, hereafter, go by the name of the "Constitutional Encyclopedia." He would propose to print it in quarto, like the Edinburgh Encyclopedia, in order that the work might be brought within a reasonable number of volumes.

Mr. SHELLITO here interposed, and called the gentleman to order.

Mr. DUNLOP. I said nothing about the fly question. If the gentleman from Crawford will let me alone, I will not oppose his proposition to keep the flies in his county from biting the cattle; for that I understand to be the only amendment to the Constitution which he desires.

At a moderate calculation, Mr. D. said the expenses of the Convention would be a thousand dollars a day. There was probably not a man in the State who was aware of this fact. What the minority would say to this statement, he did not know. If we went on, the Convention would cost the State two hundred and fifty thousand dollars. It had already cost seventy-five thousand dollars, and what had we done? Changed the day of the meeting of the Legislature and of the annual election, which the people would probably put back again. We had also passed upon a section in committee, giving to the people the election of county officers, which section was so confused and perplexed, that we should have to change the language from one end to the other. Mr. D. referred to the other amendments already passed through one reading and which had been decided on in committee, and remarked that it was time that the people should have an opportunity of saying whether our proceedings were worth what they cost.

Mr. EARLE said that if there was any doubt that this resolution should be voted down, it was the speech of the gentleman from Franklin, and he appealed to the friends of reform to vote to sustain these principles. He then went into a detail of facts to show, that there was a design on the part of some to baffle all attempts at reform, by prolonging debate and wasting time.

Mr. EARLE withdrew the amendment.

Mr. HOPKINSON supported the resolution on the ground, that nine weeks had been consumed in doing very little. He considered that the fifth article in relation to the judiciary, was more important than all others, and there was no time to discuss it as it ought to be without sitting the summer through. He then gave an account of the magnitude of the labors of the convention.

Mr. BROWN, of Philadelphia county, replied to the gentleman from Franklin (Mr. Dunlop) to show that the expenses of the Convention were not greater than those of the legislature, and especially the legislature of 1835-6. He then went on to show that the people did not expect the business of the Convention would be done in a few days. He did not agree with his colleague (Mr. Earle,) that a majority of the Convention were indisposed to make salutary reforms. Nor did he think that the people would regard expense in reforming their Constitution, and he believed that an appeal to avarice would not be regarded.

Mr. PORTER remarked that, before the 14th of the present month, much might be done. He then adverted to the fact of his resolutions, which he submitted in the morning, for the purpose of shortening the labors of the Convention. He advocated the adjournment on the ground, that he did not believe that the people expected that the whole business of the Convention would be done during the summer.

Mr. DONNEELL moved to amend the amendment by adding the following: "provided that all the articles of the constitution have been passed through the committee of the whole."
Mr. CLARKE, of Indiana, was in favor of the provision, and opposed to the resolution. He believed that the resolution would carry, although he should vote against it. He then went into a classification of those opposed to reform, and into an exposition of the views of those who would vote for the resolution. He declared that he honored the motives of the honest censors.

The vote being taken, the amendment of Mr. Donnell was negated by the following vote:


53.


Mr. KONIGSMARCK then moved to strike out "this place, and insert Lancaster."

Mr. HEISTER said he was opposed to the indefinite postponement. It would only delay getting the question of the resolution, which he now believed a majority were determined to pass. He had, as the journals would show, uniformly voted against similar propositions, and intended to vote against the present resolution also. The people expected us to complete what we had assembled to do without an adjournment over, and that, he believed, might yet be done by the middle of August, and before the commencement of the sickly season. He coincided in opinion with the gentleman from York, Mr. Fleming, that after we had agreed on a proposition that the Legislature should, in future, meet on the first Tuesday of January, in order to prevent the holy-day adjournments, against which there was so much complaint, it came with an ill grace to us to do the same that we wished to restrict others from doing.

The gentleman from Franklin (Mr. Dunlop) had given a detailed statement of the daily expense of the Convention, which he made out to be, upwards of nine hundred dollars, and this he seemed to think was a good reason for voting for an adjournment over until next October, as he told us. He would vote for the resolution. This, said Mr. H., together with the whole of the gentleman's argument, was to his mind the best reason for voting against the resolution. For he did not know, that if gentlemen went home for a couple of months, that they would return with a variety of new schemes and projects, and with a renewed desire to make long speeches; and that it would consequently, require double the time to go through that would now be necessary to finish the work. But, said Mr. H., he had risen principally to say a word in support of his colleague (Mr. Konigsmarck's) amendment. If the Convention did adjourn to the middle of October, it was very certain that they could not get through by the first Monday in December, and the Legislature would then (if it should not be so met convened by the Governor, and which was not improbable) take possession of this hall. It would, consequently, become necessary to obtain and fit out another place for the Convention to meet in. He did not know whether another house could be got in this place; but he thought that, upon a little reflection, every gentleman would agree with him, that it would not be proper for the Convention and the Legislature to be assembled in the same place at the same time.

There would necessarily be a suspicion on the public mind, that one of those bodies might exercise an undue influence over the other. And he thought there ought to be no cause given for such an impression or suspicion. If, therefore, the resolution was adopted, he hoped that some other place of meeting would be agreed upon. His colleagues (Mr. Reigart), who was now not present, had informed the Convention some time ago, that the German Lutheran church in the city of Lancaster would be given gratis for the Convention to sit in, if they chose to assemble there. This building was large and commodious, and might, with very little expense, be fitted up for the accommodation and convenience of the Convention. He should, therefore, vote for the amendment; and if that was not agreed to, he should, if no other gentleman did, move to insert the city of Philadelphia as the place of meeting: For, in his opinion, it was highly important that the Convention and Legislature should not be assembled here at one and the same time.

Mr. DORAN then moved to postpone the amendment, together with the resolution, indefinitely.

Mr. STEVENS said that he was in favor of the indefinite postponement, as the Convention was not prepared to fix a time of adjournment. He was in favor of some plan like, that of the gentleman from Northampton, Mr. Porter, which was offered in a spirit of reconciliation. He was in favor of giving the county officers to the people, but not in favor of some alterations which were submitted. He would not vote for any adjournment for more than a week or ten days; until something was ready to submit to the people, unless it was submitted to the people whether the Convention should remain or not. 

Mr. FULLER made some remarks in favor of first passing through the committee of the whole on the 53rd article of the Constitution.

Mr. HEISTER opposed the indefinite postponement, but was opposed to adjournment, which the whole business was done. He was also in favor of the amendment of meeting in the city of Lancaster, and if not in Lancaster, then in the city of Philadelphia.

Mr. CURRIE hoped the indefinite postponement would not pro-
The vote being taken on the indefinite postponement, it was negatived.

The motion to strike out "this place and insert "Pittsburgh,"

which was sustained without a division.

The vote was then taken on the resolution of Mr. OVERFIELD, to adjourn on the 14th of July, to meet again on the 16th of October, and decided in the negative, by the following vote:


Mr. BAYNE moved to strike out "this place," and insert "Pittsburgh,"

which was negatived.

Mr. RITER moved to strike out "this place," and insert "Philadelphia,"

which was negatived.

Mr. STEVENS then moved to amend the resolution, by adding the following provision:

"Provided, that, at the next general election, the question whether this Convention shall re-assemble shall be submitted to the people in the following manner, to wit: Tickets containing on the outside the word "Convention," and on the inside "assemble," or "not assemble," shall be received by the inspectors from the legal voters of the Commonwealth, and carefully counted, and returned to the Secretary of the Commonwealth, as is provided for in the election of sheriffs; and the said secretary shall open and count the same within four days of the day of said general election; and the Governor, by proclamation, published in each county of the State, shall announce the result; and if the tickets containing the word "assemble" shall exceed those containing the words "not assemble," then the Governor shall notify the Convention to reassemble; but if the majority of the votes thus given shall not be in favor of the Convention's reassembling, then this Convention shall not again meet, but be dissolved—and that the amendments to the Constitution already agreed upon in committee of the whole, as well as the proposition now pending with regard to county officers, be submitted to the people at the next general election, for their ratification or rejection."

Mr. STERIGERE moved to postpone the resolution, together with the amendment, till next Thursday, which motion was negatived.

Mr. M'DOWELL opposed the postponement, and hoped the question of adjournment would now be settled forever.

Mr. M'CALL said that it would be more convenient to adjourn on the 12th, as three days would then be left for members to reach their homes before the Sabbath.

Mr. HEISTER then called the previous question, which was sustained without a division.

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The vote was then taken on the resolution of Mr. OVERFIELD, to adjourn on the 14th of July, to meet again on the 16th of October, and decided in the negative, by the following vote:


The committee then rose, and the Convention adjourned until 4 o'clock.

Monday Afternoon, July 3, 1837.

The Convention again resolved itself into the committee of the whole. (Mr. Chambers in the Chair.) on the report of the committee on the sixth article of the Constitution.

So much of the report as relates to the 3d section being under consideration in the following words, viz:

"Sec. 3. In every county, having for the time being five thousand or more taxable inhabitants, one person shall be elected recorder of deeds and mortgages, and one person shall be elected register of wills and testaments, and in every county having for the time being less than 5000 taxable inhabitants, one person shall be elected who shall be recorder of deeds and mortgages, and register of wills and testaments, in hold their offices for a term of three years. But no person shall be more than twice elected in every term of nine years.

Mr. Hastings moved to amend the 3d section of the report above quoted, by striking therefrom all after the word "Sec. 3," and inserting in lieu thereof the following, viz:

"The public improvements of this Commonwealth shall be under the control of three chief commissioners, who shall be elected by the citizens of the Commonwealth at the same time and places of election of representatives. At the first general election after the adoption of this Constitution, one shall be elected to serve for the term of one
Mr. STEVENS said, by the present law, the county treasurer could not hold his office more than three years successively in six; but this provision gave him the office for four years, which was what some gentlemen here would call aristocratic. It was better to leave this subject to the legislature. If it was taken from the legislature, it might be found inconvenient, and then it could not be altered but by calling another convention.

Mr. DARLINGTON said much legislation would be necessary to make the laws conform to this constitutional provision, and the alteration was wholly uncalled for.

The motion to strike out was lost.

The question being on the report, as amended, was determined in the negative—30 to 48.

Mr. DARLINGTON offered the following amendment:

The Governor shall appoint such number of justices of the peace in each county &c. as are or shall be directed by law; and they shall hold their offices so long as they behave themselves well, but may be removed for misbehaviour in office, on conviction of any infamous crime, or by address of both houses of the legislature.

Mr. RUSSELL moved to amend the amendment by inserting after the word Governor, "by and with the advice and consent of the Senate." Lost.

Mr. DARLINGTON said it would be seen that this motion raised the distinct question, whether the Convention would give the election of justices of the peace to the people. The election of justices, for a term of years, was tried under the constitution of 1776.

They held their offices for seven years. Under this Constitution the people lived until 1798, when, for some reason, good or bad, the people, by common consent, abandoned the system, and gave the appointees to the Governor. The system was not found to work well, and, being unsatisfactory to the people, it was abandoned. We were now resorting to it again, on account of some imaginary inconvenience attending the present system. What has been that inconvenience? First, the great number; and, second, the difficulty of removing them. These were the two grievances complained of. The first evil he proposed to remedy, was by dividing the counties into convenient districts for the appointment of justices of the peace, and fixing the number of justices by the Legislature. The next evil was, the incompetency of the justices of the peace, either at or after their appointment, and the difficulty of removing them. As a general rule, the justices were competent and suitable men at the time of their appointment. To remedy the second evil, it was only necessary to limit their tenure and provif for the removal of the incompetent officer by the Governor. He was opposed to the election of the justices by the people. It was not to much for us to imagine, that a justice of the peace would be found the election ground, with his friends, endeavoring to secure his own election. Would he not have powerful temptations to delay the decision of cases before him, until after the election? It would be hazardous, he thought, to draw the justices into the strife of elections.
Mr. FULLER said he was opposed to the amendment offered by the gentleman from Chester, (Mr. Darlington.) He was in favor of electing justices of the peace, and this was one of the important amendments which the people had asked for. He was fully convinced by the expression of opinion in this convention since the commencement of its session, and from the opinion expressed in his own district, that, had it not been for this and two or three other questions of reform, this convention would not now be in session. This question is one of those the people had much at heart, and have desired for many years the privilege of choosing their justices of the peace by election. And what are the arguments of the gentleman against this mode of selecting that class of judicial officers? Why, he urges his objections on the ground, that the people are not capable of choosing the best men; for this is undeniably the conclusion of his whole argument, that injudicious selections would be made, and that the governor would select ‘better men.’ Would that gentleman say, that the people of any township, ward, or district in this commonwealth, were incapable of electing justices of the peace? I think he will not, and trust that no member of this committee will say so. I know that some of the present justices of the peace had been appointed by the Governor, without the knowledge of the people of the district, or even knowing that they were applicants. In some instances, petitions had been procured, and men hired to ride out of the district to obtain signatures, and the petition forwarded to the Governor in the most private manner for fear of opposition; consequently, the people of districts had justices of the peace appointed by the recommendation of men who live out of the district, and who feel no interest in the choice of the officer. And I ask the question, if the Governor must depend on the recommendation of the citizens of the district, (as surely he ought to do,) whether it will be said, that the same citizens are not capable of choosing the officers themselves? I think no man would venture to say so. This was testing a principle which would tend to establish or defeat the wishes of the people of the Commonwealth. In limiting these judicial offices to a term of years, and of selecting the lower grade by ballot, viz: the associate judges of the courts and justices of the peace; I trust this amendment will not prevail.

Mr. EARLE said, if the people were competent to elect a governor, they were so to elect a magistrate. If the people were not honest and intelligent enough to make their own elections, the only amendment required to this Constitution would be to render the government a monarchy. He referred to the opinions of Chancellor Kent and Lord Coke, in favor of the election of magistrates by the people, and the experience of other states and countries on the subject. The people of New York, in 1825, decided in favor of this system by a vote of $20,000 to 5,000; and the system had worked so well, that no urgent person could be found who was in favor of the old plan. Ohio, also, where the election of justices was made by the people, they were very well pleased with this mode of appointment. The people were present, and would not elect a man, unless they believed that he could hold the scales of justice impartially. He read and referred to letters from several members of Congress and others, citizens of New York and Ohio, stating the universal content of the people with the system of electing magistrates; and spoke in favor of a shorter term than five years. He said that where the elections were annual, the people were satisfied with that term.

On motion, the committee rose.

Mr. KELM asked leave to offer a resolution for an adjournment over the 4th day of July, which was refused—59 to 30.

The Convention then adjourned.

TUESDAY, JULY 4, 1837.

Mr. PENNYPACKER presented the memorial of a number of citizens of Chester county, praying that the right of trial by jury be secured to every human being. Referred.

Mr. CLARKE, of Indiana, presented the petition of sundry inhabitants of Clearfield county, on the subject of exclusive privileges granted to corporations. Mr. G. said that the petition expressed the views of nineteen of the honest men in the county, on the subject of the sale, by the Legislature, of monopolies to corporations; and he called for its reading.

The petition was read and referred.

Mr. PORTER, of Northampton, called for the second reading and consideration of the following resolution, yesterday offered by him:

Resolved, That the committee of the whole be discharged from the further consideration of the amendments to the Constitution, and that the following amendments to the Constitution of Pennsylvania be, and the same are hereby, submitted to a vote of the people pursuant to the act entitled ‘An act to provide for calling a Convention with limited powers.’

The motion was agreed to—59 to 30.

The resolution having been taken up, Mr. PORTER moved that the reading of the resolution be dispensed with, and that it, together with the resolutions offered by Mr. Purvis and Mr. Stevens, and the amendments which have been or may be agreed to in committee of the whole, before said committee shall report, be referred to a select committee.

Mr. FULLER asked whether the effect of the adoption of this resolution would be to suspend or delay the proceedings of the Convention?

Mr. PORTER said that was not its object, nor would it be its effect. The object was, by getting a committee of nine members together from different parts of the State, and representing the different views of the body, to settle some general principles, with a view to shorten our labors. It would enable us to see whether, by consultation and some mutual concession, some satisfactory conclusion could be arrived at.

Mr. BROWN, of the county, moved that the resolution be indefinitely postponed, and spoke at some length in opposition to it. In his opinion, this was not a labor-saving machinery, but a machinery that would retard and confuse the proceedings of this body. He asked the year and days on the motion.
Mr. READ said much time would be lost and nothing gained, unless we went on in the course we had adopted. The effect of the resolution would be to undo all that we had done so far, and throw the whole that we had done into hotch-potch, or, as the printers say, into pi. He hoped the resolution would not be entertained for one moment.

Mr. STEVENS argued that the proposition would have the effect to enable us to finish our labors within a reasonable time. What harm could arise from appointing the committee? If they cannot agree, they will so report. But, if they unanimously concur in a project, which, with some mutual yielding of opinion, will effect a compromise of conflicting views, it would enable us soon to finish our labors and submit the amendments to the people. If we went on in the present course, we must sit six months at an expense of a quarter of a million of dollars.

Mr. PORTER said there were some things in the resolution which he did not approve of; but he was willing to yield his own opinion for the sake of compromise, as far as he could without a sacrifice of principle. No one man in a body so numerous as this, can expect to carry out his own views in every respect. If something can be produced which will come near to our views, and effect a compromise, it will shorten our labors, and bring them to a speedy and satisfactory result.

Mr. FLEMING admired the spirit, but could not see the advantage of the proposition. What advantage could be gained by bringing up the same matter in a new form? It had become common here to talk about the expense and the delay attending the proceedings of the Convention, and we knew for what purpose these statements were reiterated. But it was the discussion of such propositions as these, which consumed the time of the Convention and the public money. This spirit of compromise might be exerted in the Convention as well as in committees of the whole; and notwithstanding all that was said, if we had a dozen compromise reports, each member would still offer and insist upon his own proposition. The only effect of the report of a select committee would be, to endorse the peculiar notions of a few individuals. He was in favor of the indefinite postponement.

Mr. SMITH, of Centre, said he had no doubt of the sincerity of the gentleman who proposed the resolution; but he could not see what we should gain by it. It was not to be expected that the Convention would adopt the report of the committee as an entire Constitution. We would not pass one of those propositions, without considering it in committee of the whole, and going through the same routine that we had already passed. We should lose the benefit of all that we had done. Had the motion been made at the beginning, there would have been some reason in it; but now, after getting half through, this proposition would only stop us short, and turn us back to begin over again.

Mr. FRY believed, he said, that if we had, at first, taken up the old Constitution, and gone through it without referring any part of it to committees, we should have got along better than we have done: and the only way to get along now, he thought, was to go on as we had begun—to go straight through the work, without turning off to the right or left.

Mr. MEREDITH spoke in favor of the resolution. If we ever came to any conclusion, it must be by compromise; and he was, therefore, willing to appoint a committee of gentlemen from every side of the House, to see whether any compromise of conflicting views could be effected. This would be much better, he thought, than to adjourn, after sitting three months, and tell the world that we could agree upon no measure of any importance. A compliance with the request of the gentlemen who had brought forward this proposition, was due to him in courtesy.

Mr. PURVANCE spoke in opposition to the resolution, and in support of the motion to postpone.

Mr. PORTER withdrew the resolution.

Mr. READ, on leave, offered a resolution, that when the Convention adjourns, it adjourn to meet on Wednesday morning at nine o'clock, which was agreed to.

Mr. READ moved the Convention do now adjourn. Lost.

Mr. PORTER, of Northampton, moved that the Declaration of Independence be now read. Agreed to.

Mr. BUTLER moved that the gentleman from Northampton be respectfully requested to read to us the Declaration of Independence. Agreed to.

Mr. PORTER then read the Declaration from the President's chair.

Mr. M'SHERRY said this was a day in which the name and the counsels of Washington ought to be remembered; and he asked leave to move that his Farewell Address be now read by the gentleman from Bucks. (Mr. M'Dowell.) Agreed to.

Mr. M'DOWELL read the Farewell Address from the President's chair—after which the Convention adjourned.

WEDNESDAY, July 5, 1837.

Mr. M'VALI presented a petition from sundry citizens of the Commonwealth, praying that the right of trial by jury be secured to every human being. Referred.

Mr. CRUM presented a petition from sundry citizens against secret societies and extrajudicial oaths. Referred.

Sixth Article.

The Convention then again resolved itself into the committee of the whole, Mr. CHAMBERS in the chair, on the report of the committee on the sixth article of the Constitution.

The question being on the motion of Mr. DARLINGTON to amend the report, so as to provide that the Governor shall appoint the justices of the peace in such convenient districts as are or shall be directed by law; that they shall hold their office for the term of five years; but may be removed for misbehaviour in office, or on conviction of any infamous crime, or on the address of both houses of the Legislature.
Mr. CONWAY moved to amend the amendment by striking and dependent

Mr. KONIGMACHER said—Mr. Chairman: I consider it a duty
which I owe to myself and to my constituents, to state some of the
views which I entertain on the subject under discussion. In
doing this, I promise to be as brief as I can. I feel, not only
the importance and solemnity of the trust, but great deference
in the choice of the body which I am addressing. I assure you that I did
not rise with the view of enlightening this intelligent body; I know
and feel my incompetency; but merely to express my humble opinion
on the subject under consideration. If I am wrong in my views,
that I may be corrected, either by the Convention, or by my con-
stituents.

One of the most important of our duties is the organization of the
 judiciary system: it controls the lives, liberty, and property of
the people. If you cripple your judiciary, you will have a miserable go-

Mr. READER moved to amend the report by striking out “three” and
inserting “three,” and therupon asked the yeas and nays, which
were ordered.

Mr. DARLINGTON moved to amend the amendment by striking out
the section, and inserting the following: “Such a number of jus-
tices of the peace shall be elected by the people, as are or shall be
directed by law. They shall hold their office for the term of five
years: but shall be removed on account of misbehaviour in office, or
on conviction of any infamous crime, or on the address of two-thirds
of both houses of the Legislature.”

Mr. READER said the amendment was not in order.

The CHAIR decided that it was.

Mr. READER appealed; and, at the suggestion of Mr. DUNLOP,
Mr. Darlington withdrew the motion for the present to save time.

Mr. DUNLOP moved to amend the amendment by striking out the
word “three.” His object was to bring the abstract question of
the appointment or election of justices of the peace before the com-
mittee, untrammeled by the question as to the term for which the of-

Mr. READER then asked the yeas and nays, which were ordered.

YEAS—Messrs. Baldwin, Carey, Chandler of Chester, Cauney,
Cochran, Crum, Darlington, Dunlop, Harris, Jenks, Kennedy, Ker-
were arraigned before the successful candidate on a charge of assault and battery, would it not be reasonable and natural to presume that the magistrate would be inclined to favor the party who had been instrumental in procuring his election? Sir, I am convinced, if you elect the justices of the peace, you will encourage vice and immorality of the worst species. No respectable and honest man would suffer his name to go on the ticket to be held out to the public to be abused for the paltry (although important) office of a justice just as important that the judiciary should be independent in a system, if carried out according to the views of the I am, therefore, in favor of retaining the appointing of the magistracy of the state, as I am, well acquainted with many, who are connected with the agricultural and mechanical interest, upon this subject, it being in direct hostility to the views and general principles' jurisdiction that is most important to the 'great mass of citizens.

It is the vicious and depraved disturbers of the peace, who are generally termed the bone and sinew of from Lancaster, (Mr. Konigsmacher,) In that all party organizations are attended with corruption and -magistracy, and nothing more than to the protection of their to some extent: they prefer to attend to' their own The great object ought to be to make justice, if possible, certain, peaceable, and less expensive; to maintain perfect equality of all persons before the law, to oppress no one, and yet to punish all those who merit it by breaking the law. There is law for in individual contracts, and for crimes and offences; some of our courts settle disputes among men, others prosecute malefactors. The most extensive jurisdiction, and that most felt by the people, is that of justices of the peace; because there are ten persons having suits about small sums, to one having disputes about large ones. For this reason, it is a great mistake to suppose that our attention is due exclusively to the higher courts; on the contrary, it is the magistrates' jurisdiction that is most important to the great mass of citizens.

I desire, however, to be perfectly understood as not denouncing the magistracy of the state, as I am well acquainted with many, who are not only honest and qualified officers, but who are numbered among the best of our citizens; but, unfortunately for the community, their numbers are few. Yes, sir, I may add very limited. Let us then endeavour to correct this imperfection, by allowing the citizens to elect their own magistrates, and for short terms; they then can select them whom they know to be high-minded and honourable, who will not glory in disputes, or covet their neighbours' money; but who will, when practicable, settle all difficulties satisfactory to both parties. This will not only save much unpleasant feeling and considerable expense, but will render the law less odious, and in a great de
The source of the evil was in the constitution of the justices' courts, and in the extent of their jurisdiction. This position he maintained at length—contending that justice could not be administered in such a way as to secure public confidence, under the present laws, for the regulation of the justices' courts. The mode of their compensation was a strong temptation to decisions in favor of their customers, or give rise to the suspicion, that the decision was not impartial. The law gave the justices an interest in deciding in favor of the suitors. He believed that a law directing the number of justices to be appointed, by prescribing the districts for which they were to be appointed, would greatly lessen the evil; and that, together with a limitation of their jurisdiction to controversies involving a sum not larger than five dollars and thirty-three cents, or a mode of paying them, other than the present mode of fees from their business, would remedy all the evils complained of.

He moved, first, to amend the amendment by providing that the justices should have no jurisdiction in cases where a larger sum than five dollars and thirty-three cents was involved.

The motion was negatived.

Mr. MEREDITH then moved to amend the amendment, so as to provide that the justices shall receive a compensation fixed by law, and shall receive no fees or perquisites from their office.

Mr. MERRILL advocated the amendment, and stated that a large portion of the justices of the peace were men of intelligence and undoubted integrity. Many respectable magistrates in his county, were in favor of altering the mode of their compensation, and they represented that their fees were now necessarily, to a great extent, drawn from the poor. The persons most interested in the discharge of the duties of the justices, were the poor; and upon them fell the expense of the maintenance of this valuable body of officers. Much was said about the poor, and great regard for them was often professed by some gentlemen. But, in this country, nine-tenths of the rich made their own fortunes, and no one was so rich as to perpetuate his wealth in his family, under our laws, to the 3d generation from him. There was nothing in the cry about the rich and poor; but there was something in the cry of oppression from the poor man. If the magistrates were made independent in compensation, and were required to conform their practice to some fixed rules, justice might be done to the poor. It was the poor who were most interested in the administration of justice by the magistrates. If he was oppressed, he must submit; while the rich could appeal from any judgment of the magistrate. He would put the justices in such a position that they would have no interest to be partial. Their jurisdiction was also too large. Not one man in a hundred, in his life-time, ever had a suit involving a sum exceeding one hundred dollars. Their jurisdiction covered four-fifths of all the controversies that arose in the State; and the tribunal was held in secret, and judgment was passed in secret, and the poor man, as a suitor, or dependent, had no aid—no protection—no advocate for his cause—and, in many cases, no right of appeal. Where the inducements to a partial, interested judgment was so strong, the defeated party would naturally be impressed with the belief, that the decision was governed by interest. We should put the justices above temptation and above suspicion.

Mr. MEREDITH asked the yeas and nays, and they were ordered.

Mr. DARLINGTON said he had received several letters from magistrates, proposing the same plan which was now under consideration. But he felt compelled to vote against it, believing it to be
Mr. BROWN, of the county, agreed with the gentleman, that those officers were of great importance to the public welfare, and that was the only view which the gentleman had taken in which he did concur. He argued that it was necessary to make these officers dependent on the people, in order that those who were oppressed by their tyranny might appeal to their neighbors, and this was an appeal that would never be resisted, while a complaint before the Legislature would be urged only by the rich and influential. He denied that the elective magistracy under the Constitution of 1776 was a failure.

Mr. SERGEANT replied to a remark of Mr. Brown of Philadelphia, that "there were not ten good justices of the peace in the Commonwealth," that the denunciation of a whole class of citizens was too sweeping in its character. The number of the honest, according to the calculation of the gentleman, is not one twentieth of one per cent. of the whole number. It was impossible that so small a number of honest men as ten should be found in several thousand. He believed the justices of the peace, as a body, were respectable, and as much so as in states where they were elected. He then read from a paper, an account from a paper published in Cincinnati, of a murder committed somewhere in Ohio, and that the murderer was suffered to run at large, in consequence of his being a man of wealth and influence.

Mr. MEREDITH remarked, that his amendment had no reference to the mode of appointment. If any one would move to give the appointment to the Governor, he would vote for the motion—but he wished to take away all inducement to extortion, and all self interest in the suit to the justice.

Mr. PORTER, of Northampton, said he rose merely to enter his protest against the sweeping denunciation of the delegate from the County of Philadelphia against the justices of the peace, so far, at least, as regarded the county of Northampton, where there were some fifty or more justices of the peace, of whom there were very few, not over two or three, that were not esteemed men of integrity, of good sense and sound judgment, and calculated to give satisfaction to the public in the discharge of the duties of their office. It is true, there may be more justices than the business of the public requires, and there ought to be a limit to the number regulated by the number of taxables in the district or township; but, as a body, I think they will be found to be mainly intelligent and honest.

Mr. BROWN, of Philadelphia, said that his remark was, that Sodom was lost for the want of ten righteous men. He did not mean to say that there were not ten honest justices of the peace, but to show that the evils are comparatively great, which are experienced by the people by the present system of justices. There could be no doubt of the fact, that the people were oppressed, and that a change ought to be made. He was opposed to electing them for five years, and in favor of three, as he believed that short terms would make better officers.

Mr. STERIGELE said he also felt bound to protest against this general denunciation of the justices of the peace of this State. It was not warranted by facts. What testimony had been submitted to
and Felt bound to say this much in their denunciation. Under the precedent, and the Legislature would be occupied with no other business than that of regulating the salaries of magistrates, which would have been regradcd the justices in Montgomery county, these denunciations were a calumny. With two or three exceptions, there was no class of her citizens more respectable. He knew them well, and felt bound to say this much in their defense. Under the present Constitution, justices are removable by address of the Legislature; on conviction of misbehavior in office, or of any infamous crime, the number for 47 years did not average one for each. The evil complained of, than any other were made, or dissatisfaction, to embrace the relative merits of the various kinds of tenure; and to deny to another, equally and perhaps more meritorious, a similar favor.

He should vote for the amendment offered by the gentleman from the city, because it would in some measure remedy the evil. The objection to it, on the score of expense, is not well founded. In Montgomery county, there were 32 townships and boroughs: at an average, there was not more than two acting justices in each, and he did not believe the whole number of acting justices in the State amounted to two thousand. At an average, their fees did not amount to twenty-five dollars—certainly not to fifty. The evil was, we had a many justices that we had too many civil tribunals of this kind. Civil jurisdiction should be conferred on a few. He would confer civil jurisdiction on one justice only in each township—the oldest in commission, and let the rest be mere conservators of the peace. There would then be about 1000 exercising civil jurisdiction. These could hold their small courts regularly and publicly. Out of Philadelphia, an average, fifty dollars a year would be an adequate compensation for their services. This would have a greater tendency to remove the evil complained of, than any other mode suggested. He did not ask the remedy would be found in the election of justices.

The gentleman from the county (Mr. Brown) says, one bad justice a county is too many. But if these officers are made elective, will our large a proportion of bad officers get into office under that system? He thought there would. He would not have arisen on this question, for the attack made on the justices indiscriminately, and to defend his county against that general denunciation.

Mr. PURVIANCE said he was opposed to the amendment offered by the gentleman from the city, (Mr. Meredith,) as well on account of the impracticability of carrying it into effect, as on account of the judicial effect it would necessarily have upon the success of reform. He (Mr. P.) knew of no better mode of defeating reform than to adopt the proposition embraced in the amendment under consideration, by which three or four thousand salary officers would be created at an annual expense of more than half a million. Rather than adopt a principle so obnoxious, the great mass of the people would yield their predilections for constitutional reformation, and adhere to the present constitution. In the first place, that gentleman proposes to confer upon the Legislature the power of regulating the salaries of justices; and, in the second place, to confer upon the same department of government the additional power, of assigning to each justice the amount of salary he shall receive. Adopt the amendment, and the Legislature would be occupied with no other business than that of regulating the salaries of magistrates, which would have to be graduated by the amount of business done in the respective districts. A district purely commercial might require double and treble the salary of one wholly agricultural—or a district of a mixed, discordant, and litigious population, might and necessarily would require ten times the salary which would be adequate to the support of a justice resident in some of the quiet interior and western districts. This, then, is an argument against the practicability of the proposition, and I now proceed to remark upon its evil tendency and fatal political consequences. It would be giving to the Legislature a patronage greater than the Governor now possesses; and, instead of having applicants for the office, you would have them in the character of bidders upon the Legislature to increase their salaries, resulting in favoritism to some and injury to others, and in an improper interference with and interruption of the legitimate course of Legislation. The distribution of so much money by the Legislature, would convert our law-makers into political bankers, with power to give to one justice a salary of a certain amount, and to deny to another, equally and perhaps more meritorious, a similar favor.

Altho' the discussion of his amendment does not, strictly speaking, involve the judicial term of office, the debate has been so extended by both the gentlemen from the city, (Mr. Meredith and Sergeant,) to embrace the relative merits of the various kinds of tenure; and both the gentlemen named have avowed their opposition to the elective principle, and have expressed their belief, that the change in the Constitution of 1776, was occasioned by the repeated complaints of the people; and that, under the present Constitution, those complaints have been no longer heard. He (Mr. P.) had searched in vain for the evidence that any complaints were made, or dissatisfaction existed, under the Constitution of 1776; and believed that the people were much more happy and contented under its liberal provisions, than under any other form of government which could be devised. That Constitution was wrenched from the people by the advocates of strong power—by those who looked for the fulfillment of their political hopes, to the extensive patronage which would result from the changes—the benefits of which they would, if not entirely monopolize, at least become the principal participants. He (Mr. P.) would not enlarge in his answer to this argument, as it had been already ably replied to by his talented friend from the county.
of Philadelphia, (Mr. Brown.) It has been said that, by a life ten
ure and a regulation of the salaries of justices of the peace, the poor
man’s rights would be better protected. This argument is founded
upon the idea, that the tenure would remove the officer beyond the in
fluence of fear, and that the salary would make him alike indifferent
to both rich and poor. The election is deprecated, because, of course, it
may induce a magistrate, in the administration of justice, to favor the
rich and influential, for the purpose of securing their political sup
port. Sir, (said Mr. P.) this argument, to have weight, must pre
suppose dishonesty on the part of the magistracy of the country. An
honest justice would be influenced by no such consideration—a dis
honest man would not be exempt from that influence under any ten
ure. The tenure of office, whether of life or of years, whether by
appointment or election, cannot and will not make a man honest.—
Honesty flourishes as well under the influence of one kind of tenure
as another. It is a principle which claims no protection, asks for no
extraneous aid, requires no peculiar official tenure to shield it from
the temptations with which it may be surrounded. When once im
planted within the bosom, it takes deep root, and spreads throughout
the whole frame: it cannot be shaken, but remains firm amidst the
tempest and the storm of political violence. The gentleman from
the city, (Mr. Sergeant,) has referred to the various acts of the Lei
gislature, by which powers have been conferred upon the justice, as
an argument in favor of the existing tenure, and as an evidence of an
increased and increasing public confidence in their official conduct.
Sir, (said Mr. P.) the act of 1810, to which our worthy President
referred, conferred no powers other than those absolutely necessary for
public convenience. That act confined their jurisdiction to contracts
under one hundred dollars, and was intended for public convenience,
that justice might be brought to every man’s door, and administered
upon the cheapest and most economical plan. Beside the powers
thus conferred, in addition to being confined to matters ex-contractu,
were subject to another important limitation, which is, that the judg
ment of the justice is entirely inoperative, if either of the parties be
dissatisfied. This limited and qualified power is rather an evidence
of public distrust than otherwise—at least it cannot be offered as evi
dence of increased public confidence.

The advocates of the elective principle (said Mr. P.) have been
called upon to furnish instances of incompetent officers under the ex
isting Constitution. He would not deal in general denunciation against
any class of citizens, nor did he believe the justices of the peace more
obnoxious to the charge of frailties and imperfections than any other
portion of the community. They are but men, and, like all men, sub jec
to the influence of improper feelings and passions. He would
speak of individual instances to show that appointments are made by
an Executive, of men who could not receive a majority of the votes
of the district in which they reside. This, he conceived, was now
an imperative duty, inasmuch as it had been said that competent ap
pointments had almost universally been made. He referred to the
case of an individual who had been appointed a justice, and before
whom a physician instituted a suit for professional services, in what
was supposed by the physician and the patient, a case of witchcraft.
The justice entered a formal judgment upon his docket against the
physician, on the ground, as he set forth, of an improper remedy hav
ing been applied for the relief of the supposed malady, and further
spread upon his record the remedy, which, in his judgment, would
have been proper and effectual. He also referred to the case of a
newly appointed justice, the account of which he had some where
read—to whom application had been made for legal advice in relation
to a stray. The justice, ignorant of the law, but unwilling to ac
knowledge it, immediately presented the remedy, which he declared
would be in the nature of a show cause against the man in whose
possession the stray was found. He accordingly instituted a suit in
the name of the Commonwealth against the man who made the ap
plication, and gave judgment against him for the price of the stray.
These instances, together with those referred to by the gentleman
from Northampton, (Mr. Porter,) and the gentleman from Franklin,
(Mr. Dunlop,) of a Prothonotary who endorsed a writ of right of dow
er, “Rit of Rite of Dower,” and of another Prothonotary who en
dorsed a writ of scire facias, “scurry scurry,” are strong instances of
the imperfections of the appointing power, and conclusive, to my
mind, of the superiority of the elective principle. The peo
ple, under no state of excitement, would commit such palpable mistakes,
but would have an eye single to the qualifications of the candidates
without reference to the party, cause, or principles, to which they
might be attached. Under the present system, men are appointed
justices without any other qualification than that of services rendered
to the party; and, what is most objectionable, a few men in each coun
ty draw the wires, and make officers at pleasure. The Presi
dent had referred, in the course of his remarks, to a publication in
some Ohio paper, of a wealthy and influential man, who had murder
ed his wife, and who had been permitted to stroll abroad, unmoleste
by the magistracy or people. This had been offered as an argu
ment against the elective principle, and to show that the desire of re-elec
tion depraves and corrupts the mind. He (Mr. P.) would answer th
argument by saying, that it was but a newspaper fabrication, and tha
he was unwilling to believe a state of society existed any where in
this enlightened land, that would tolerate the commission of the mos
horrid crimes, and especially the one referred to, that of a husban
dermorbing his hands in the blood of the partner of his bosom. I
however, the story were true, it proved but one thing, to wit: an en
tire absence of that religious, moral, and social feeling, so necessa
ry to bind society together, and preserve it from the excesses to which
depraved and excited passions render it exposed. Amongst such
people, no tenure of office could effect a change: the error is to be
found at the heart, where the change must first be wrought. Refer
ence has been made to other states, to show that the system of ele
tion has failed to answer the public expectations. A few days since
a distinguished gentleman from Ohio, (Senator Ewing,) who was
this day, gave it as his opinion, that the Ohio system was much su
erior to that of Pennsylvania; and as an additional evidence of its
being the case, we have only to advert to the returns of the elec
tion and against a Convention, when it will be observed that ev
ous county adjoining either Ohio or New York, has given almost un
animous votes in favour of reform; and certainly these counties, fr
their contiguity, and from having tested the relative benefits of a
different systems, are much better prepared to give a correct and satisfactory expression of opinion, than the eastern, southern, and western counties. He (Mr. P.) would not trouble the committee further, and concluded with the hope that the friends of reform would perceive the prejudicial tendency of the proposed amendments, and would vote it down.

Mr. FLEMING said that he should vote for the proposition of the gentleman from the city, under the conviction that some change in this respect was necessary, to render the justices of the peace what they were intended to be. He had been gratified to hear so many gentlemen give a high character to these officers; but still he feared that they had presented only one side of the picture. He knew many justices who were high-minded and honorable men, and he also knew many who were not only not qualified, but who used their offices to instigate suits for the sake of the profits, and who oppressed the poor. He believed that his constituents desired some change which would cure the evils complained of, and he knew of none which would better effect the object than the amendment which would take away all inducement to bring suits for the sake of the gain, and all temptation to decide otherwise than impartially and honestly.

There were also too many justices in the commonwealth. The office had become too cheap, and too easily obtained. There was now but little difficulty in getting an appointment; for merit and qualifications were not the required qualifications; so that the office had lost its respectability, and he was not afraid to say, that it was tyranny in its full stretch.

Mr. SHELLITO said that he resided near the Ohio State line, where the people had much traffic and commerce, and who had friends living in Ohio, and that he never had heard a single word of complaint about their Constitution, and that the paper he held in his hand contains the Constitution of Michigan, &c.; that the people were not to be persuaded to alter their Constitution. As for the gentleman on the other side of the house, his position was objectionable, inasmuch as any man in this house knew there were troublesome men in all parts; and, if they had no cost to pay, they would always be at law: and that no man that owed any debt would pay it until he was prosecuted, as it cost him nothing. And there was another objection—if a poor man wanted justice, in consequence of justice being of the same price, he would not be likely to get it. He therefore would have to bear banishment, and that the experiment was wild, which would induce the people to reject the Constitution altogether. As for the evidence so much talked about, they could get as much evidence as the nature of the case called for. Such are the opinions of all thinking men in the State, and that the appointing power was the greatest stretch of power that the mind of man could invent, because that Nero, or Buonaparte, or any other tyrant could do nothing more than appoint the officer, and make the people submit to him, and that it was tyranny in its fullest stretch.

Mr. READ said that if the argument of the gentleman from Lycoming was sufficient to influence his vote, he hoped that it would not influence others when it was examined. He says that he will vote for the proposition of the gentleman from the city (Mr. Meredith) for two reasons. One was, that some change was necessary; and the other was, that the number was too great. The first reason is, that some change is necessary, and this reason is based upon the fact, that the number is too large. Why, then, if the whole evil is the large number, does he vote for a change in the mode of compensation? The report of the committee does not cure the evil which the gentleman alleges is the sole cause of the evil, as the report of the committee; and yet to cure it, he would vote for the proposition of the gentleman from the city.

The gentleman from the city does not seem to be aware of the difficulties in the way of his proposition in the country, and which render it impracticable.

In some of the county towns, the magistrates take fees to the amount of $6.00 or $10.00, and their whole time is occupied in the duties of their office. In some of the districts, not five miles from the county town, the fees might not amount to $5 annually, and yet the officer might be necessary and convenient for taking the acknowledgment of deeds of old married women, and for many other things. The gentleman could therefore see, that the amendment was impracticable.

Mr. FLEMING replied that there was nothing in the report of the committee that limited the number of justices of the peace. It gave the power to the Legislature, which might limit the number or not. He believed that if the salaries were paid out of the treasury, it should limit the numbers for the people would look to their pockets.
when they were about to create a new one. He was not in favor of leaving to the Legislature what had better be done here. There had been no plan which he considered more feasible, or better adapted to the wishes of the people, than the report of the judiciary committee.

He would vote for the amendment now, and if the system could be amended afterwards for the better, he should be in favor of so doing.

He considered the present proposition, whether the justices of the peace should be paid a salary, or whether they should continue to have inducements to drag their fellow-citizens into courts, and impose upon them costs, without any other reason but their own emoluments? He knew that there were a number of justices of the peace, who were highly respectable and honest men; but these were not the men who made the money, who oppressed the people, and created business for the sake of the fees.

Mr. DUNLOP said that when this proposition was first offered, he felt disposed to vote for it. His mind was open to conviction on all subjects. He was first disposed to favor it out of respect to the gentleman who offered it, and also from a conviction that there ought to be some change in respect to these officers. He had, however, after hearing the arguments on the question, changed his mind, and was now disposed to vote against it. He did not believe that the people were in favor of creating so many salary officers. There was something odious in salaries with the people, and he was not prepared to create them. There were, according to the report which had been made by the Secretary of the Commonwealth, 3636 justices of the peace. He believed that the amendment of the gentleman from Philadelphia would cure the evils which had been complained of; but he believed that the Legislature had the power now to make them salary officers, and he was not prepared to legislate here on what was not absolutely necessary.

The committee then rose, and the Convention adjourned until 6 o'clock, P. M.

WEDNESDAY Afternoon, July 5, 1837.

The committee again resolved itself into the committee of the whole, Mr. CHAMBERS in the chair, on the report of the committee on the sixth article of the Constitution.

The question recurring on the amendment of Mr. Meredith, to the amendment of Mr. Read.

Mr. READ'S amendment was the reduction of the term of office of justices of the peace to "three" years—the report was "free" years.

Mr. MEREDITH'S amendment was a substitution in the place of Mr. Read's, a provision making the justices of the peace salary officers.

Mr. MERRILL said that he had taken some pains to inform himself in relation to the election of justices of the peace in other states. He then stated a case in the state of Indiana, where a man was obliged to ride seven miles to try a case of three five-penny bits. In the state of Indiana, the election took place every five years, and the inquiry was, how long has his commission to run—as he could not be intrusted with the collection of debts, if his time was short. In the state of Ohio, the justices were elected every three years; but then the lawyers collected the debts. In the state of New York, the justices were many of them lawyers. They got themselves elected for the purpose of making money. He then stated a case which came under his observation in the western part of New York, where two lawyers were justices of the peace. One day, one justice appeared before the other justice of the peace as a lawyer, and next day the justice appeared as a lawyer before the other. He related a case of a young man who said that he was sure of a good living, as he had the suing of one store. He did not believe that the people of Pennsylvania were prepared for such a state of things. He did not object to their election by the people, but he objected to their election for a short time. He thought the election for a short time would make either a lawyer or a pettifogger necessary in every case. He was in favor of the amendment of the gentleman from Philadelphia, (Mr. Meredith.) One gentleman had said that the expense of their salaries was an objection. The gentleman from Bucks (Mr. M'Dowel) had explained away that objection. He did not believe that it would cost the state a cent. The fees would go into the treasury, and would be sufficient to pay their salaries.

Mr. SMITH was sorry that such a picture had been drawn of the justices of the peace. He thought that gentleman went too far, as he knew many worthy and good men. But if these things were true, it proved that the justices ought to be elected, as the justices were now elected by the Governor. He thought that no lawyers, whose conduct was such as had been described by the gentleman from Union, (Mr. Merrill,) would be re-elected in the State of Pennsylvania.

Mr. CLINE was not at all partial to the experiment of electing justices by the people; but he did not think it would be attended with worse consequences than the present mode of appointment. The Governor was influenced in his appointments by a few of his political friends in the respective counties. He should go for the measure, not that he had confidence in its success, but because it would, perhaps, be less objectionable than the present one. The system would still be defective for the justices would be dependent. To give them a proper degree of independence, there was no better way than to allow them a certain salary, which should not depend upon any extraneous circumstances. If the proposition should be so modified that the senator should not be relieved from costs; but should pay them into the county treasury towards the fund for the compensation of the magistrates, it would, in his opinion, render the system much more perfect. The business coming within the jurisdiction of justices was of great importance to all classes of the people.

Mr. READ modified his amendment, by adding the following:

"Provided, that there shall be but one justice of the peace or alderman in each district of one hundred taxable inhabitants, unless authorized and approved by a majority of the taxable inhabitants."

The CHAIR decided that the proposed modification was not in order.

Mr. MEREDITH, in reply to the remarks of the gentleman from Crawford, (Mr. Shellito,) this morning, said it was never his intention that the parties to a suit before a magistrate should be relieved from paying costs. He modified his amendment, so as to provide that they shall have no fees or perquisites of office to their own use.
The question being taken, it was decided in the negative—yeas 24, nays 80, as follows:


Mr. READ moved further to amend the amendment by striking out "five years" as the term of office, and inserting "three years."

Mr. EARLE said that the statements of Mr. Merrill, showed that the shortest term was best. He has described the magistrates of several States, and those were best, by his own account, where the term was shortest, and worst where longest. He read from the book called Conventions of Pennsylvania, to show that the people were well pleased under the old constitution with the election of magistrates, and that the boroughs of Lancaster, Chester, Bristol, and Reading, got leave from the Legislature to elect them every year.

Mr. FORWARD was utterly opposed to the reduction of the term to three years; and, as yet, he said, he had heard no good reason in favor of the limitation to five years. He opposed the motion at some length.

Mr. STEVENS said if the elections were to be made annually, the people would become more familiar with them, and there would be less controversy and struggle than if the election took place once in five or three years. He preferred three years to five, and one to three. He should vote for the election of aldermen and justices, because more than half of them were sworn to give judgment in such officers' favor; and these were a class of men who were likely to be influenced by such obligations. He did not suppose that the judges of the higher tribunals were influenced in this manner.
tional justice in every such district for every one hundred and fifty taxable inhabitants in said district, exceeding one hundred; and such justices shall hold their offices for the term of five years from the time of their choice as aforesaid, except those first chosen under this amendment, who shall be elected by law may be provided, and in such manner, that one equal fifth part of the said justices in the several counties shall go out of office annually thereafter. The said justices shall be commissioned by the Governor; and may be removed by the Governor on conviction of misbehaviour in any office, or of any infamous crime, or on the address of the Senate. And the said justices shall give security to the Commonwealth for the faithful discharge of the duties of their office, in such form and manner as the Legislature may direct."

The committee then rose, and the Convention adjourned.

THURSDAY, July 6th, 1837.

Mr. FOULKROD obtained leave of absence for a few days.

Sixth Article.

The Convention again resolved itself into a committee of the whole (Mr. CHAMBERS in the Chair) on the report of the sixth article.

The question being on the motion of Mr. FLEMING, to amend the report by substituting for it the following:

"The justices of the peace shall be chosen by the qualified voters in such convenient districts in each county, at that time and in such manner, as by law may be provided, so that there shall be one justice of the peace in every such district containing not less than fifty taxable inhabitants, and that there may be chosen as aforesaid an additional justice in every such district for every one hundred and fifty taxable inhabitants in said district, exceeding one hundred; and such justices shall hold their offices for the term of five years from the time of their choice as aforesaid, except those first chosen under this amendment, who shall be elected by law may be provided, and in such manner, that one equal fifth part of the said justices in the several counties shall go out of office annually thereafter. The said justices shall be commissioned by the Governor; and may be removed by the Governor on conviction of misbehaviour in any office, or of any infamous crime, or on the address of the Senate. And the said justices shall give security to the Commonwealth for the faithful discharge of the duties of their office, in such form and manner as the Legislature may direct."

Mr. FLEMING modified his amendment, so as to strike out "one hundred and fifty," and insert "two hundred taxable.

Mr. STERIGERE explained the object of his amendment, and asked the yeas and nays thereon.

Mr. FLEMING said there were in this State 1609 townships, wards, and boroughs; but the number of justices exceeds three thousand. There were twenty-seven townships only that had less than fifty taxable inhabitants: according to the original proposition of the amendment, we should then have 982 justices. The residue of the taxables, taken together, would give 1,391 justices—making a sum total of 2,373 justices, which would be too many. He had, therefore, increased the number of taxables, requisite for the appointment of an additional justice, from one hundred and fifty to two hundred taxable inhabitants, by which the number of justices would be reduced to less than 2,000. Perhaps it would be well still further to reduce the number of justices to 1,600, by fixing the number of taxables at 300. Mr. F. further explained the object of his amendment.

Mr. STERIGERE called for a division on his amendment, and, being taken on the first branch, ending with "Legislature," it was determined in the negative—yeas 17, nays 88, as follows:

YEAS—Messrs. Baldwin, Bell, Biddle, Carey, Chauncey, Hopkinson, Ingersoll, Jetts, M'Sherry, Meredith, Reigart, Russell, Saager, Scott, Striffler, Sterigere, Sergeant, President—17.


The second branch was also rejected.

Mr. DARLINGTON moved to amend the amendment, by striking out the section, and inserting the following: "Such convenient number of justices of the peace shall be elected in each district, &c. as is or shall be established by law; that they shall hold their offices for five years, if they shall so long behave themselves well; but shall be removed for misbehaviour in office, or on conviction of any infamous crime; or on address of both houses of the Legislature."

Mr. DARLINGTON said it was settled by the votes of the committee, that the justices should not be appointed by the Governor.
with or without the present of the Senate, and he had offered this proposition as coming nearer to his views than others which was likely to be adopted. He was opposed to the proposition of the gentleman from Lycoming, because the amount of law business in a county did not depend upon the number of taxable inhabitants. Neither did he think that a justice of the peace was necessary or would be acceptable in every township. He proposed, therefore, to provide for the election of justices in each convenient districts as might be directed by the Legislature, either by a direct act, or through some intermediate agency. He would individually prefer a longer term than five years; but the sense of the Convention seemed to have settled down upon that term, and he had, therefore, adopted it. He had not included aldermen, because they were merely the creatures of law, and were not known to the Constitution.

Mr. AGNEW said that the amendment proposed by the delegate from Chester appeared to meet his views of the subject better than the previous propositions, although there were some of its features he did not like. But there was a great principle contained in all of the propositions upon which he desired to express his opinions, and claimed the indulgence of the committee while he did so. The amendment proposed a change in the mode of appointing justices of the peace, by giving their election to the people of their respective districts. The principle contained in this was the election of judicial officers. This was so much opposed to the principles which he thought should govern the organization of the judicial departments generally, he felt it incumbent upon him to give those reasons which would induce him to depart from principles acknowledged to be generally correct.

He could not join with those who attacked the whole body of justices of the peace, as men as well as officers, in sweeping charges of venality and incapacity; nor could he, on the other hand, agree with others who claimed for their respective counties a total exemption of that body of men from any abominous charge. He knew many honest, honourable, and capable justices of the peace; and he also knew some who were neither honest nor capable. But he did not propose treating the question upon such grounds. He had viewed the subject as an organized system, and with regard to its general practical results, as far as it had been subjected to the test of experience, which alone could establish the perfection or imperfectness of any institution. He could not deny that the theory of the present Constitution was one which recommended itself much by its plausibility and apparent simplicity; but the reasons which influenced his mind were founded upon its practical results. With regard to these practical results he had in view not only the primitive constitution of this department, but also the superstructure which had been erected upon that constitutional foundation by subsequent legislation, which enlarged their character as conservators of the peace, to that of judicial officers in controversies not exceeding the sum of one hundred dollars. The whole formed a system with which, he presumed, it would be inconvenient, and the people would be unwilling, to dispense. The first object of enquiry, he thought, was the evils of the system, if any, and then the remedy. The evils of the system, as they struck him, grew out of two features—first, the manner of appointment; and, second, the tenure of office. In relation to the mode of appointment, the evils were two-fold—those which regarded the appointing power, and those which had respect to the people. What is the great enquiry to be made in every appointment to office? Is the applicant honest? Is he capable? By the present mode, the Governor, who resides at the seat of Government, appoints. According to the theory of the Constitution, the Governor is supposed to be acquainted with the several portions of the state, and with the principal inhabitants of those portions, and thus be able to make good selections. This theory might do very well as it regards the higher offices of the government; but it cannot be extended in practice to justices of the peace. It is impossible that the Governor can act from any personal knowledge. What then, he said, is the consequence? Why, sir, he must be dependent on others for his information. On whom must he depend? Upon his political friends, who are interested in the continuance of his power and the maintenance of their party. Hence, sir, said he, you have a little band of partizans in every county, who are the lucky ones, who have his ear, and who regulate and control every appointment, not out of regard to the interests of the public, but for the perpetuation of the power of their party. What man can ever expect that the streams of justice will be kept clear by fountains so impure as these? Then look again, sir, to the influence which this immense patronage exercises over the Governor himself. He is eligible to re-election, and is it to be supposed that he will never exercise that power for sinister ends? No. so long as the love of power exists in the human breast, and so long as ambition fills the mind with schemes of elevation and distinction, so long will it be found that the patronage of the Governor is one of the most corrupting influences.

It exhibits itself in the appointment of political partizans and favorites, as a reward for their zeal and fidelity in his cause. It exhibits itself in the vast increase of the number of officers beyond that requisite for the public good—thus depreciating the character of the office, and increasing the inducements and means of litigation; because, every new justice of the peace, ambitious of the distinction of doing business, is more apt to court than to decline it. What again, said he, is the influence of this patronage upon the people? It begets an attachment to the person or name of the chief executive, rather than to any settled principles of policy, and welds together the army of office-holders deriving their commissions from the same source—thus creating combinations of partizans and factions, having in view no interests of the country, but linked together only for the preservation of their offices and their power. Here, also, you may trace the sources of all the violence, excitement, bitterness, and acrimony attendant upon every Governor's election, distracting the country, creating private feuds, and filling the remotest corners of the Commonwealth with tumults and troubles. This much for the evils of the system growing out of the source of appointment.

The next view of the subject (said Mr. A.) is that which relates to the tenure of office. The evil attendant on this, is the practical impossibility of removing unworthy or unfit men from office. The term of office is during good behavior; but experience has taught us, said he, that this means for the; for, no matter what the unfitness, mental or moral, practically, removal is an impossibility. It is true, the Cap-
Mr. DAWSON alluded to the преимуществ of the Constitution of Indiana, and to the importance of separating the judicial department from the executive and legislative; and said the constitution provided for the election of the judges by the people. His reasons for this were, first, the want of confidence to which the people were exposed in the old system of election of judges by the Legislature; and, secondly, the want of permanence in the office of the judges, which results from their being elected once in two years. He did not wish to have the judges elected for shorter periods, but thought that seven years would be sufficient.

The mode of election by the people was considered by the gentleman from Indiana (Mr. Clarke) as the only way to secure the purity of the judicial department.

Mr. DAWSON concurred with Mr. Clarke in the importance of the mode of election, but thought that seven years would not be sufficient. He thought that the courts of justice had been of late few and small, and that the people had not had an opportunity of examining the conduct of the judges, and of giving them their due credit or blame.

Mr. DAWSON also concurred with Mr. Clarke in the importance of the mode of election, but thought that seven years would not be sufficient. He thought that the courts of justice had been of late few and small, and that the people had not had an opportunity of examining the conduct of the judges, and of giving them their due credit or blame.

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justices of the peace at all, and the people should be the judge of
how many they wanted. At the end of every seven years, they could
relieve themselves of the burden of too great a number, or supply
any deficiency in the number.

Mr. P. hoped that the committee would confine their views closely
to this topic, and that the speeches upon it would be restricted
to the immediate question under consideration. It was necessary,
in order to enable us to get through this and the fifth article of the
Constitution. The gentleman from Beaver (Mr. Agnew) had gone
across the line of the question, and had addressed his remarks to his
constituents upon the general subject. It was now necessary to
restrict the debate, because the weather was warm, and the time for
adjournment was, he believed, fixed in the minds of members of this
body. Though the subject was an important one, yet the minds of
the committee had been for weeks and, indeed, for months drawn
to it; and every gentleman, he presumed, had made up his mind as
to the term and the mode of appointing the justices, and if there or
days' discussion upon it was not sufficient, a week would not be
sufficient. He had little doubt that before the main question
could be called, the previous question must be resorted to.

Mr. AGNEW replied to the remarks of the gentleman concern
ning his speech, and contended that he was strictly in order in the
course of argument and remark that he had taken, and he wanted to
know, he said, whether Solomon was, who, in his wisdom, has chos
en to place himself as censor over his course and his conduct?

Mr. FULLER here called Mr. Agnew to order for being too perso
nal, and the chair decided he was out of order.

Mr. STEVENS. Is it in order to appeal? I wish to know whe
ther it is in order to answer any imperfections?

Mr. Agnew rose again, and said he was wrong in applying that epithet
to the gentleman, and acknowledged that he was totally mistaken in sup
posing for a moment that it was at all applicable to him; but he said he
was not mistaken in believing that the amendment of the gentleman from
Chester (Mr. Darlington) proposed the election of justices of the peace
for a term of years, and he believed that proposition contemplated a
change of the present method of appointment and term of office, as
well as the means of removal from office. Had he said one word
which was irrelevant to these subjects? Not a word. Who, then,
he said, in this committee, had the self-importance and the confidence
of his own great wisdom, to place himself over the members as self-
appointed dictator or censor over their minds and their remarks? Who
is it that attempts to measure other men's understandings by his own
obscenity or obesity of expression? For his part, he felt that the change
attempted to be introduced by this amendment was one of great im
portance—no less than making a judicial office elective—and he considere
it, not only his privilege, but his right, to express his senti
ments in justification of his course, not only here, but that it might
reach his constituents, who were the only judges to whom he held
himself amenable.

Mr. DUNLOP respectfully called the attention of the committee
to the amendment of the gentleman from Chester, remarking that
it deserved more attention than the committee appeared disposed to
give to it. He proceeded to compare it with the report of the com
mittee, and with the provisions of the present Constitution, to show
that it introduced the elective franchise, and still preserved, as far
as was practicable, the language of the present Constitution, which,
he thought, was extremely desirable, whenever it was practicable.

Mr. FLEMING contended, that his amendment had the merit
which the gentleman from Franklin claimed for the proposition of
the gentleman from Chester; and that the proposition of the gen
tleman from Chester was defective, inasmuch as it did not limit the
number of justices, but left it to the Legislature to supply just as
many as they pleased. He considered that it was necessary to the
preservation of the reputation and credit of the body, that their num
ber should be limited in some way. He proceeded to illustrate this
argument, and to maintain his proposition, as the most plausible
mode that had yet been indicated for effecting a limitation upon the
number of justices.

Mr. PORTER, of Northampton, called for the reading of the pro
posed amendment, and the amendment thereto; which, being done, he
proceeded to say, that he was anxious that the delegates would keep
in mind the business for which we had assembled. Our business here
is to settle the great and fundamental principles of government, not
to legislate and prescribe details: that would be an immeasurable
work. There is a vast difference between the duties of a convention and
the ordinances to be passed by them, and ordinary legislation. The do
ings of the one were to last for years, and to bind unborn thousands
they were not to be easily or lightly changed. The doings of the other,
if found not to answer the purpose intended, could be changed,
altered, or repealed. Hence, we could only settle principles, and de
clare them by general provisions; and for this reason, unless something
better were brought in view, he should prefer the amendment to the
amendment, to the amendment itself, although he thought something
more appropriate than either might be had. Independent of the ob
jection stated, which, in his judgment, was insuperable, the amend
ment proposed by the delegates from Wyoming (Mr. Fleming) was
objectionable in its details: it proposed to give an additional justice
in each county for each fifty taxable inhabitants. In the city of Phila
delphia there were fifteen aldermen—one for each ward. The small
est ward had 492, the largest 1303 taxable. The taxables of the
whole city exceed 14,000, and this would give seventy odd aldermen
to the city—upwards of four to each ward—when not more than half
the existing aldermen did business enough to induce them to keep
offices open. Again: Pittsburg and its environs had nearly 5000 tax
ables, and I ask the gentleman from Allegheny if they need twenty
five aldermen or justices? [Mr. Forward here shook his head.]
Lancaster city has 1047 taxables; Reading 1217, and Easton 1323.
The people of those places had no idea of such a host of justices of the
peace being saddled on them. The townships of the Common
wealth varied from 50 to 600 or 800 taxables: these may be scattered
to a considerable district of country; and in the townships where
the population is sparse, they will need, for the convenience of the
inhabitants, more justices in proportion to the population, than where
it is dense. The ratio in most of the townships would be too low—in
none too high: it would more than double the justices and aldermen
in the populous districts. But we cannot legislate in those details.
we should only lay down general rules to be carried out by legislation.

I have, said Mr. P., been struck with the course of argument pursued in this Convention, and the utter want of confidence evidenced by many delegates in every body, and in every department of government. When we had the subject of impeachment up, many gentlemen were afraid to trust the senate as triers, lest they should not be honest and faithful. Next the legislative department came in review, and many gentlemen expressed their great apprehensions of the corruption of that body, and were unwilling to trust them with power. Then came on the article relative to the executive, and, fearing to trust him, you stripped him of every appointment except that of his own secretary; and, in regard to the judicial officers, directed that they should only be appointed with the concurrence of the very senate which was so much feared and dreaded. When we determined to give the election of county officers to the people, a number of gentlemen feared to trust them, and were for restraining them in reposing their confidence, for fear they might be cheated or corrupted. For the last few days, we have had the poor justices of the peace in hand, and if the charges and denunciations of some gentlemen are to be credited, a greater set of rogues and villains are not unwonted. In a few days, we shall have the judges in tow, and, if I mistake not the signs of the times, they are fated to almost an equal amount of denunciation.

I ask the members of this body to pause—to ponder over these things. Is not this course of denunciation calculated to undermine our republican institutions, by destroying the confidence of the people in the integrity of all public servants? Is it not the very course which the enemies of free governments would desire to see? It is calculated to lead to thatarchy and confusion, the horrors of which man is so anxious to avoid, that, rather than endure it, he too often is content to rest in the greatest security, even of despotism. I believe man to be frail and liable to corruption; but I do not believe that he is so lost to virtue—to a sense of honor, and to a regard for fame, that none can be trusted. I could not endure existence in such a state of society. And let me ask, who are we that are to set up our judgment thus unmercifully on our fellow-men? Are we possessed of superior purity and intelligence to the rest of the world? Can we arrogate to ourselves more worth—more moral excellence, than will pertain to the persons who shall be selected by the people (who selected us) to represent them in the State Legislature? I apprehend not. I am, therefore, favorable to leaving all these details to the action of the Legislature. I do not fear that they will abuse this power. It is true, representatives have sometimes gone contrary to the wishes of their constituents. They do not, however, generally do so; and when they do, the people have the corrective in their own hands, and can exercise it by dismissing them from their trusts.

Mr. READ, in reply to the gentleman from Franklin, (Mr. Dunlop) contended that the amendment of the gentleman from Chester contained several important principles, and that it was only necessary to provide in this section for electing the justices. He said it had been found impossible to hit upon any plan which would properly limit the number of justices, in reference to its operation in every part of the State; and, therefore, it was but merely to establish the elective principle, and leave all the details to be carried out by the legislature.

Mr. BIDDLE said—It is generally admitted that the justice of the peace system has proved unsatisfactory, burdensome, and oppressive. Complaints have reached us from all quarters, and a remedy is loudly demanded. The evil complained of, however, does not proceed from the existing Constitution that Constitution only provides for the appointment of a competent number of justices of the peace—it confers on them no civil jurisdiction. It is the superstructure which has been erected on it, by legislative enactments, which has caused the mischief. As justices of the peace, independent of the powers conferred by laws passed since the adoption of the Constitution, they are conservators of the peace, and not judges between man and man in questions of individual wrong, or of property. The evils of the system are inherent in the system, as applied to civil jurisdiction; and among them these are some of the most mischievous. There are many justices in every county, all having concurrent jurisdiction, and a plaintiff may select whichever magistrate he pleases, while the defendant cannot object, but must submit to his jurisdiction. Surely that cannot be called equal justice which enables the one party to select his trial, and to render the other amenable to a trial before a single judge, selected, perhaps, because his opinion was known beforehand, or on account of individual regard, bias, or political favor. But this is not the whole mischief. Not only does the plaintiff select the magistrate, but it is his interest, as he is dependent on his fees for his support, to encourage plaintiffs to resort to him by giving judgments in their favor, thereby to increase his business and promote litigation. A judge should never feel an interest in his own decision: justice should be not only pure, but unsuspected. Again: the costs in suits for small sums are necessarily oppressive, particularly in such cases in which, from the smallness of the amount in controversy, there is no appeal, not infrequently amounting to several hundred per cent. Another evil is the insecurity of the dockets of justices containing matter involving the rights and interests of numerous suitors, which, on their death, or removal, are frequently lost or destroyed, the law providing that they shall be handed over to another justice, being, to a considerable extent, inadequate as a remedy. The civil jurisdiction of justices is also a violation of the spirit, if it be not of the letter of the Constitution, which should be scrupulously respected, and which provides that the trial by jury shall be as heretofore, and the rights thereof remain inviolate. In the Constitution of 1776, which, with some gentlemen, is a great favorite, in the 11th section of the first chapter it is provided, “that in controversies respecting property, and in suits between man and man, the parties have a right to trial by jury, which ought to be held sacred.” The gentleman from Northampton, (Mr. Porter,) to whom I always listen with pleasure and respect, has said that the justices of the peace are a part of the judiciary. I do not so consider them so, they being, excepting in cases where their decision is final, little more than commissioners of bail, to fix the amount of security to be taken, in the nature of special bail, before the removal of the cause into the court of common pleas.
Mr. BIDDLE continued— I am happy to receive correction at the hands of my friend from Northampton; but I still contend that, as constitutional officers, their functions are not of a judicial character. My belief then, sir, is that it is the civil jurisdiction of magistrates which is a grievance, and that if they be limited to their proper sphere of duty, the mode of appointment by the Governor will cease to occasion clamor. I am then, sir, opposed not to any thing in the Constitution of 1790, but to this legislative excrescence; and the remedy I would apply is this: in the proper place, let the conferring civil jurisdiction on justices be prohibited, and let it be provided that all controversies between man and man shall, if suitable for litigation at all, be determined in a court of record; justice should never be administered in a court of record; and the courts should be open to all, and their decrees calculated to subserve his ends—let there be one tribunal, and only one, so that defendants may have a fair trial. Let our justices be conservators of the peace, with power to take acknowledgments of papers in writing, deeds, and other like powers, and we shall no longer hear of abuses in the appointing power. I am not disposed to disturb the provision of the present Constitution. I would never elect by the people one whose duty requires that he should be influenced by neither popular applause nor censure, but act uprightly and with independence. So far as regards claims not sufficient in amount for the consideration of a court, perhaps the best course would be to take away all legal redress; and then the honest, industrious, and meritorious poor would find credit, and the unfortunate not be exposed to be harassed by oppression. Suits for trifling sums have become monstrous abuses, and require a corrective. I cannot vote for the amendment, because it contains a provision for the election of justices of the peace.

Mr. STERIGEREF said that this proposition, with the exception of an election by the people, was pretty much like the old Constitution. There is no limitation in either, as to the number, the greatest evil complained of. The districts were now composed of three or four townships with several justices. He proposed smaller districts with a single justice, and should therefore oppose the amendment.

Mr. INGERSOLL said that the subject of justices of the peace had led as much as any other to the convocation of this Convention; and the determination of this question would, as much as any other, have an influence on the decision of the people upon the rejection or adoption of the new Constitution. He wished to have the views of gentlemen from all parts of the State, as he had found that what was the popular will in one part, was not the popular will in another. He agreed with the gentleman from the city, (Mr. Biddle,) that the justices of the peace, as conservators of the peace, were excellent officers; but, as officers having civil jurisdiction, while jurisdiction was given them by legislation, they had become objectionable. He said that their jurisdiction lay at the foundation of our jurisprudence. He said that the number of more than two thousand would undoubtedly contain some who were honest and capable, and some who were dishonest and not qualified. There was one view of the importance of their jurisdiction that was very striking. At this moment all five dollar bank notes are voided before aldermen and justices of the peace to final judgments, without appeal or review: a jurisdiction which, as it affects the great questions of the currency now convulsing the whole community, is more extensive and more important than that of the supreme court of the State, or that of the supreme court of the United States itself. He considered the subject out of place—it ought to be in the following article, and he hoped that the committee would refer it, and that the subject of the judiciary would be taken up. He was in favor of making a system of jurisprudence, so that for the small sums now tried before the justices the parties shall have the right of trial by jury and all other rights which litigants for larger sums have. He believed that this was a part of the judiciary, and he was opposed to separating the appointment of those offices from other judicial officers. He agreed with gentlemen that there were many abuses of office by the justices of the peace; but he had known many honorable and high minded men, the duties of whose offices were performed with fidelity. He hoped that the lawyer-like feeling would not lead members to denounce these magistrates, while they spoke in eulogy of the magistrates of the higher courts. He then gave an account of abuses in the higher courts, where politics and favoritism had often had an influence. He thought that the tenure of the higher courts should be more enduring, than justices of the peace; but he was not in favor of making fish of one and flesh of the other, if the justices were to have civil jurisdiction. He knew of no reason why we should sweep from existence the whole of the inferior magistrates, while we trucule to those in high places. He said he gave a vote this morning which he did not like in itself, but was given in consequence of his conviction that the system of jurisprudence should be a perfect whole. He therefore hoped, that the Constitution would go into the consideration of the article on the judiciary.

Mr. DUNLOP said there were some things in this amendment which he did not like. The gentleman from Susquehanna had given reasons against it, which had satisfied him that it ought not to pass.

Mr. READ said that he wished to state, that the amendment provided that the Legislature should divide the state into convenient districts, so that in some districts a circuit of several miles would exist with a single justice.

Mr. FORWARD said that the Commonwealth was now divided into convenient districts, by the division into townships, boroughs, and wards of cities. These communities were sufficiently distinct, and were the most convenient election districts. He did not believe that the legislature would make any other division; yet the Convention had better say at once how the districts should be formed. He therefore
took exception to the language of the amendment, directing the legislature to divide the state into convenient districts. These petty matters ought not to be left to the Legislature. If we cannot settle them another, they ought to be left to the people themselves, the county commissioners, or the courts. He had not made up his mind but, as at present advised, he believed that the number of justices in each township, borough, or ward, had better be left to the people of each borough, township, or ward. The number of taxables was not always an indication of the amount of business done in the place, as it depended upon circumstances connected with the avocation of the inhabitants. It was better, therefore, to permit the people to regulate the number themselves. He should consequently vote against the amendment.

Mr. DARLINGTON said that he believed, that a moment's reflection would satisfy any one, except those who wished the number to be appointed according to the number of taxables, that the amendment ought to pass. He could not see the force of the objections of the gentleman from Allegheny. (Mr. Forward.) If it was left to the people to fix the number, there would be an unequal distribution. Some districts would have more and some less, according to the spirit of litigation predominate. It must be left to the Legislature, the county commissioners, or courts to fix the number or there must be great inequality in the distribution. A division into townships, boroughs, and wards, will be unequal in a high degree. In the county of McKean, there are two townships, in one of which there are but twelve taxable inhabitants, and in the other twenty or thirty. Would any one say that a justice was wanted in these townships? In the township of Cocalico, in Lancaster county, there were 975 taxable. How unequal, therefore, would it be to give the town of Sergeant, in McKean county, the same number of justices as would be given to the large township of Cocalico, in Lancaster county? The amendment which he had offered, gave the power to the Legislature to establish the districts, and fix the number of justices to be elected in them, and he hoped that it would be agreed to.

Mr. M'DOWELL was in hopes that the amendment would not prevail. He hoped that the districts would be townships and wards, of boroughs and cities, and that it would be so declared in the Constitution. He wished to prevent the Legislature from ever putting townships together, and blending them into one district. He was in favor of constituting the townships little commonwealths for the transaction of their local business. There was no difficulty in reference to large and small townships. It might be left to the Legislature to fix the number for each township, and to say to the small ones, which did not want a justice, that they need not elect one. The division into townships would not be an obligation on a small township to elect a justice when they did not want one. But while it was given to the Legislature to fix the number, he did hope that the Constitution would declare that the several townships, and wards of cities, and boroughs should constitute districts for the election of justices of the peace.

Mr. AYRES said that there was one difficulty which he could not understand. He wished to know whether a township justice of the peace, elected only by the people of a township, was to have jurisdiction, as justices now have, all over the county? If it was the intention, the principle was wrong. He believed that no justice should have jurisdiction beyond his constituents. He should vote against any proposition where the justice was not voted for.

The vote being taken, the motion of Mr. DARLINGTON was negatived by the following vote:


Mr. FULLER then moved to amend the report, by striking out all except the word "Section," and insert—

"Such a number of justices of the peace and aldermen elected in the several wards, boroughs, and townships for a term of five years, as a majority of the voters of the district may determine by ballot, after this Constitution shall be adopted, and every seven years thereafter, in such manner as shall be directed by law."

The committee then rose, and the Convention adjourned until 4 o'clock, P. M.

Thursday Afternoon, July 6, 1837.

The Convention again resolved itself into the committee of the whole on the sixth article of the Constitution.

The question then recurring on the amendment of Mr. FULLER to the amendment of Mr. BLEMING, which is as follows:

"Such a number of justices of the peace and aldermen elected in the several wards, boroughs, and townships for a term of five years, as a majority of the voters of the district may determine by ballot, after this Constitution shall be adopted, and every seven years thereafter, in such manner as shall be directed by law."

Mr. FULLER said that he had been induced to offer this amendment in the hopes that it would be acceptable to the committee. It was objected to the report of the committee, that it did not fix a suitable number of justices to each district. He thought that this amendment was a remedy to the defect in the report. He believed that fixing the number of justices on the number of taxable inhabitants was objectionable, inasmuch as a community which was engaged in agricultural pursuits, did not require as many justices as a community engaged in commerce or manufactures. His amendment left it to the people themselves, and believed that they were the proper
CONVENTION PROCEEDINGS.

(Continued from Thursday.)

Judges of their own wants. He believed that the number could be more understandably made than by the Legislature. Every one who has been in the Legislature knows how easy it is for an influence to be brought to carry any local object. The representatives from the county would be influenced by a number of influential individuals who would petition, while the great mass who vote would not be heard.

Mr. FORWARD said that he did not think that the amendment was sufficiently matured; yet, as the principle was correct, he would vote for it.

The vote then being taken, the amendment was agreed to by the following vote:


The question then recurring on the amendment as amended,

Mr. DUNLOP said that he had a few words to say to his constituents in the counties of Cumberland, Franklin, and Adams. He came here with the impression that a change was necessary in the system of the justices of the peace; but he did not think that the change proposed would remedy the evil. The evil lay in the jurisdiction, and in the unlimited number of the officers. He did not believe in the sweeping charges which had been made against them as a body. When he first took his seat in the Convention, he was in favor of limiting the number, and giving their appointment to the Governor. But, on further reflection, he was determined to vote for their election by the people. If the Governor should have their appointment, it would give him a greater patronage than he now enjoys. Divide the number of 3,830 into five parts, and it will be seen that he would have the appointment of more than 700 in one year. He did not believe that their election would remedy the evils now complained of. He believed that nothing short of taking them their fees and making them salary officers, would remedy the evils complained of. There would always be complaints, whether just or not. They might be unjust—

"For no one feels the halter draw, With good opinion of the law."

This giving them an inducement to give judgment for the plaintiffs and to gain business, would always be objectionable. He should, therefore, vote for their election by the people.

Mr. M'SHERRY said—Mr. Chairman: The question now before the committee, is the section that provides for the election of justices of the peace in the several townships of this Commonwealth by the people, instead of, as present, being appointed by the Governor, and to reduce their term of service to five years. On this question, I should not have trespassed on the time of the committee, but for a remark made by the gentleman from Franklin, (Mr. Dunlop,) who has just taken his seat. In the course of his remarks, he stated that he had, when he first came here, been opposed to the election of justices of the peace; but since, on consultation with the members of his senatorial district, he had changed his mind on the subject, and that now, he and all the members of the senatorial district, were in favor of their election, and that he would vote for the section under consideration. As I am one of the delegates from that senatorial district, I must protest against the gentleman's vouching for my vote on the section, as I have been, and still continue, opposed to a change of that part of the Constitution. Before I left home, and on my way to this place, and at our county town during the time of the court, I had conversations with a number of my constituents on the subject of the Convention. They were generally in favor of the present Constitution, and opposed to a change. But, if any change was at all necessary, they thought that the patronage of the Governor should be reduced, by giving to the people of the different counties the election of their county officers; and also, to reduce the term of residence of an elector to enable him to vote from two to one year. They were opposed to a change of the tenure of office of the judges of the several courts, as well as of a change in relation to justices of the peace. [The gentleman now says he ought to have made the exception as to my vote.] How the other delegates of the senatorial district mean to vote on this subject, I cannot say. I shall not take the liberty to answer for them: they are very competent to answer for themselves.
I shall consume no more time of the committee to give my reasons at large on the subject, and I shall content myself at present by giving my vote in opposition to the section.

After some further conversation on the order of proceeding, Mr. READ withdrew his appeal.

The question being on the amendment of Mr. FLEMING, as amended.

Mr. REIGART said—Mr. Chairman: It seems to be the general sentiment here, that the justices of the peace and aldermen, are to be elected: none here, to my knowledge, has raised his voice in favor of the present Constitution on the subject. The general cry is, strip the Executive of all patronage whatever. So fashionable has this become, that we find the gentleman from Franklin (Mr. Dunlop) joining in the general cry. Who tells us that the present race of justices are generally said to be the mere agents of the plaintiffs who employ them? How this may be in the district which that gentleman represents, I know not; but I assure that gentleman, it is not so in the county of Lancaster. There, magistrates usually hear both sides of the question; their witnesses are confronted with each other, and judgment is publicly given. That gentleman has said that but few judgments are ever given by justices against a plaintiff; that they generally prejudice the cause, and are prepared to give judgment accordingly. In this particular, the practice before justices (as far as I am informed) differs most materially in our respective counties. In the county of Lancaster, (to the honor of the justices he is said,) I have very rarely heard any such allegation. But, sir, for the sake of the argument, let us suppose the gentleman from Franklin be correct in what he gives us as the prevailing sentiment on this subject—will the election of the justices of the peace cure the evil? Will it not rather make it more intolerable? Will not the election of justices of the peace in small districts render them the most dependent officers in our government? Will they not be much more likely to give judgments in favor of their own constituents against right, when the defendant does not reside in their district, and is not one of their constituents? I put it to the gentleman from Franklin to say, whether these district elections are not calculated to contaminate and poison the very fountains of justice? And does he not, by voting for their election, place them in the way of temptation? If we are to have these officers elected by the people, let each county elect by general ticket; the danger would certainly be less of getting bad, weak, or inefficient officers, than to elect by districts; for if an independent and upright justice offended an active politician in his neighborhood, he might still be re-elected by the county, but never in the district an active, zealous politician would break him down by the dastard method of electing justices: the great probability is, that we should get more political aspirants for our justices of the peace, offenses without qualification of almost any kind. I am aware, sir, that men and things sometimes run into extremes; just so, with the present Constitution: in our rage to abridge executive influence and patronage, we are about to place a part of the judicial branch of the government in the hands of the politicians: I say politicians only, not of the people, because the great mass of the people rarely, if ever, can be got to attend a township election: they view it as an unimportant matter, and will not attend, so that in the end the few in each district or township will regulate this matter. I have, however, other objections of a more general nature against the election of judicial officers; they will readily occur to every man, and I will not, therefore, repeat them here. I am aware, sir, or at least have strong grounds to believe, that the Convention will adopt the principle of electing the justices of the peace; nor have I risen with the slightest hope of convincing any here of the impropriety of this course; my object was merely to place before my constituents some of the reasons which induce me to give my vote against the proposition.

Mr. BELL offered the following amendment: "but no person shall be twice chosen a justice of the peace, or alderman, in any term of ten years."

Mr. BELL addressed the committee at considerable length in support of the amendment, dwelling chiefly on the propriety of rendering the justices independent, and the means of effecting that object. He would have resisted the policy of giving these elections to the people; but it was too late now, and he would endeavor so to amend the proposition, as to remove from before these officers every temptation to act from good and interested motives. He asked whether it was not our duty to prevent these officers from using their official influence to secure their elections?

Mr. HOPKINSON rose to say in reply to a remark which he said had fallen from some gentleman, that nothing was further from his mind, as one of the committee of the 8th article, than to sacrifice the independence of the judiciary, or any part of it. He was not so lost to his duty to himself and to his country, as to make any such sacrifice. He should, at a proper time, take occasion to acquit himself of the charge. He should vote against this proposition to give the election of the justices to the people, and every similar proposition.

Mr. CLARKE, of Indiana, opposed the motion of the gentleman from Chester.

The motion of Mr. BELL was lost.

Mr. HASTINGS moved to amend the amendment, by adding the following: "providing that not more than three shall be elected in any ward, borough, or township."

Mr. STEVENS said there was a great disposition to shake the people of this Commonwealth, after giving them the election. If the people are not fit for self-government, let gentlemen say so, and ship it in sideways. First, we say, they have the election of justices; and now it is proposed to restrict them from electing more than three.

The motion was lost.

The question recurring on the amendment as amended, Mr. DARRAGH asked the yeas and nays, which were ordered.

Mr. FARRELLY spoke briefly in opposition to the amendment, as going to increase the number of justices unnecessarily.

Mr. AGNEW said he thought all arguments urged in support of this amendment had failed to prove, that it would in any degree restrict the number of justices. A combination of influential men in a county would be able to increase the number indefinitely. He opposed the term of five years, as a term to abridge the independence of the justices.

The question was taken and determined in the affirmative—yeas 54, nays 53, as follows:
FRIDAY, July 7, 1837.

Mr. GRENELL moved a reconsideration of the vote of Friday last, rejecting the following resolution offered by Mr. Overfield: "to adjourn on the 14th of July, to meet again on the 16th of October." Mr. STEVENS opposed the motion, objecting particularly to the proposition contained in the resolution for adjournment to meet again on the 16th of October. He also objected to it that, as the previous question had been ordered upon that resolution, we should reconsider under the gag, and without the power of amending it.

Mr. READ and Mr. EARLE opposed the motion on the ground, that it would not bring the question of adjournment fairly before the Convention. The question was taken by yeas and nays, and determined in the negative—yeas 47, nays 56, as follows:


NAYS—Messrs. Agnew, Ayres, Baldwin, Barnollar, Barnitz-Bayne, Bell, Biddle, Bonham, Brown of Lancaster, Carey, Chambers, Chauncey, Clark of Beaver, Clarke of Dauphin, Clarke of Indiana, Cline, Cochran, Cope, Crum, Darlington, Donnell, Dunlop, Earle, Farrelly, Fleming, Gearhart, Harris, Hastings, Henderson of Dauphin, Heister, Hopkins, Houp, Jenks, Königsheer, Machey, M'Sherry, Meredith, M'Kel, Pennypacker, Porter of Lancaster, Reigart, Read, Russell, Scott, Serrell, Snively, Sterigere, Stevens, Thomas, Todd, Weidman, Young, Sergeant, President—53.

The committee rose, and the Convention adjourned.

Mr. PORTER, of Northampton, moved that the committee proceed to the second reading and consideration of the following resolution, hereunto offered by Mr. Reigart:

"Resolved, that this Convention do adjourn on the 1st day of July next, and meet again on the 16th of October in the city of Lancaster."

Mr. KEIM asked the yeas and nays on the motion. The question was taken and decided in the affirmative—yeas 67, nays 42, as follows:


NAYS—Messrs. Agnew, Ayres, Banks, Barnollar, Bayne, Bell, Butler, Clark of Beaver, Clarke of Dauphin, Clarke of Indiana, Cline, Cochran, Crain, Darrah, Dickerson, Donan, Dunlop, Earle, Fleming, Gamble, Gearhart, Hayhurst, Helfenstein, Heister, High, Keim, Kerr, M'Sherry, Meredith, M'Kel, Montgomery, Nevin, Purviance, Ritter, Shellito, Smyth, Sterigere, Stevens, Stickel, Taggart, Thomas, Sergeant, President—42.

So the resolution was taken up.

Mr. REIGART modified the resolution so as to fix Friday, the 14th of July, as the day of adjournment.

Mr. READ moved to strike out all after the word "Resolved," and insert the following: "That the Convention adjourn on the 15th of July inst. and meet again on the 1st day of September next."

Mr. STEWELL moved to strike out the amendment as a modification. He said he would not agree to defer the time of meeting later than the 1st or 4th of September. The principal reason in favour of any adjournment was the hot and sickly season, which would be avoided by meeting in September, though he believed there was no more healthful place in the state than this hall. If we meet in September, we should have three months to get through our labour; but if we defer it to October, we should be obliged, before we got through, to give up the hall to the Legislature, and we should then be obliged to adjourn again.

Mr. DARLINGTON moved to strike out all after the word Resolved, and inserting "that the Convention shall adjourn on the 15th of July inst. and meet again on the 16th of October," leaving out the words "at this place."

Mr. STEWELL opposed the amendment to the amendment. If we came back in October, we should come back with double mileage; and then before we finished, we should have to adjourn again. It was evident that we were now not half through the first reading, and it could not be expected that we should finish before the Legislature met. He asked the yeas and nays on the motion.
Mr. M'CAHEN did not think that the expense of the Convention should be taken into consideration in settling this question. He believed that the interest of the people required an adjournment at the present time. The public mind was too much agitated by other subjects, at present, to give a proper degree of attention to the proceedings of this body. He deprecated the impatience of members, and the disposition of some of them to consider the delay necessarily attending the proceedings of the Convention. Deliberation—calm and considerate deliberation and discussion—were required by the important subjects before us; and every member should be allowed an opportunity fully to express his views on any question. It had been gravely charged against this Convention, in the public prints, that it had occupied eight days in a discussion of the article of the Constitution relative to the right of suffrage. "Why, sir, the New York Convention spent five or six weeks upon that important subject, and then did not agree in relation to it, and were obliged to recommence it."

Mr. MERRILL thought that we were not in a suitable condition to proceed with the business, and he was in favor of an adjournment. But he was opposed to returning here in September, which would bring us to the middle of the sickly season, if there is any here; and he was also opposed to returning in October, doing a little work then, and again adjourning. He was in favor of adjourning till next spring.

Mr. KERR, in opposing the adjournment, remarked that it appeared to be the design of some gentlemen to shun, if possible, the judiciary question. If the adjournment should prevail, it was, perhaps, hoped that something would turn up to prevent any alteration of the Constitution on that subject. This motion was pressed upon us very frequently, with a view to worry the House into an adjournment. He thought it our duty to go on and complete our business.

Mr. MARTIN said a few words in favor of adjourning to meet in Philadelphia. He could get half a dozen suitable places there in one day for the Convention. The members of this body, he said, were worn out and worn down. He saw some here now, who ought, in reference to their health, to be at home. He hoped we should agree to adjourn to some time in the fall, and that a committee would be appointed to procure a suitable place for our reception in some other place, in order to obviate the objections made to meeting here in autumn.

Mr. CHAUNCEY referred to the listlessness and inattention which, he said, had of late marked the proceedings of this body, as a sufficient reason for adjourning; and he also alluded to the indications which already admonished us that we could not remain here much longer, without risking our health. He did not think the first of September late enough, and was in favor of the middle of October as the time.

Mr. PORTER, of Northampton, said that whatever question came up here, allusion was always made to the expenses of this body. Now, sir, be it known, that the expense of this Convention is not so much by two hundred dollars a day, as that of the Legislature. He stated this fact, in the hope of putting an end to this cant about expenses. He referred to the indisposition of some of the members, to the absence of many of them from their seats, to the listlessness and inattention of those who remained, to the arduous labor which we had undergone in daily sittings, morning and afternoon, with an industry unparalleled in deliberative bodies, as rendering a recess of some months absolutely indispensable. As to the place of meeting, that could be fixed at any time. In regard to the time, he would rather, he said, sit on till September and then adjourn, than to adjourn now and meet in September. "He would prefer the month of October."

Mr. CUMMIN was opposed to adjourning on the 15th, or any other Saturday, as he wished to avoid the bustle and confusion which it would create on the Sabbath. But he was in favor of adjourning till fall, for reasons that he had heretofore given. He was convinced that, by remaining here a month or two longer, we should gain nothing. We would be more distracted and divided in opinion a month hence, than we were now. But, after consulting with the people, and comparing their opinions, we could return prepared to act with more harmony and efficiency.

Mr. FLEMING said he had heard no sufficient reason in favor of the adjournment. He did not believe that, in September or October, we should have more members in attendance than we now have; nor that there were a greater number of the members sick or indisposed here, than there would be at this season if they were at home. We had, as yet, but barely commenced our business, and we had no good reason for abandoning it.

Mr. MEREDITH said that he thought the day of adjournment ought to be fixed, and that it ought to be a fixed adjournment. The reasons which had been urged for a temporary adjournment, would apply just as well in October, or September, as now. Listlessness would always prevail when questions which produced no excitement were under consideration, and, as to which members generally had made up their minds; and, if the afternoon sessions were adhered to, even in winter, they would be found to be productive of the same ill effects that they were now, viz.: heaviness, languor, and confusion in business, and indisposition, from this voluntary deprivation of exercise and wholesome air. Many would be absent at any season of the year; and the hope of doing any better in the fall, than we are doing now, may be thought altogether vain. If we adjourned at all, he was in favor of adjourning to May next.

Mr. DARLINGTON modified the motion, so as to fix the 18th of July for the adjournment.

Mr. HEISTER said he had, on several occasions, expressed his disapprobation of a temporary adjournment, and had determined to vote against it without saying anything more on the subject: And that he had now risen merely for the purpose of protesting against what he considered an aspersions of the Convention by the delegate from Northampton (Mr. Porter) and others. They had said that there was a great listlessness and want of attention to the business before the Convention manifested by the members. Now, said Mr. H., he was not willing that such a charge should go out before the public uncontradicted: For it had been a subject of remark by himself on more than one occasion, that there was not uncommon degree of attention evinced to business on the part of the members. He had spent six winters at Washington, and had seen nothing equal to it in the House of Representatives there.
The gentleman from Northampton (Mr. Porter) had also told us, that there was much said here of the expense of the Convention; that the idea was held out, that the people would disapprove of an adjournment over, on account of its increasing the expense; and that he did not believe that any such considerations had any weight with the people. Mr. H. said that, on this point, he differed with the gentleman—that he had heard many and frequent complaints against the Legislature for their holiday adjournments at the expense of the Commonwealth; and that he would venture to predict, that the Convention would not be passed over without some concern for doing a similar act.

The gentleman from the city (Mr. Meredith), thought that the afternoon sessions confined members to the House, to the injury of their health, without being of any advantage in progressing the business. From Mr. H.'s observation, he had come to a different conclusion. He thought there had been quite as much business done in the afternoon, as in the morning sessions, in proportion to their length. That gentleman and the gentleman from Adams, (Mr. Stevens,) complained of the application of the “previous question,” or the gag law, as they are pleased to term that rule. It had been applied, said Mr. H., not exceeding a half a dozen times, since the Convention was in session, and twice he had called it himself. Whenever it was called for, (excepting once,) it had been sustained by a majority of the House, which was an evidence that the majority was satisfied with the debate, and that the House was anxious to take the question. He considered it a salutary rule, and one, without which, neither he, nor any similar body, composed of an equal number of gentlemen, so desirous to take up the time in making long speeches, could get along.

Mr. DIDDLE said that, down to this day, he had been opposed to the adjournment; but he had now altered his opinion, and should vote in favour of it, for reasons which he briefly gave.

Mr. STEVENS gave the reasons why he should vote against his amendment.

Mr. BONHAM was anxious that the question should be put at once. Whether a temporary adjournment took place or not, he did not think much care; but he was opposed to fixing a time for an adjournment sine die. He hoped this would be the last discussion on this subject.

Mr. SHELLITO had resisted the adjournment as long as there was any probability of our doing any business, but he now assented to it.

Mr. STEVENS asked whether, if this amendment was adopted, it would be in order to offer a substitute for the whole?

The CHAIR said it would not be in order.

Mr. STEVENS said the question was now whether we should adjourn to meet again in October at this place; for, under the law, we should be obliged to meet here, if no other place was named. If we do not meet here at that time, we must adjourn again, and have three or several sessions at great expense to the Commonwealth. He should vote against any adjournment, unless we were to submit to the people the amendments which we have made, together with another preserving the mode for making future amendments, and, at the same time, submit to them the question whether we shall reassemble or not? There had been some sudden and astonishing conversions here among the conservatives. Some of them appeared to be doing all in their power to prevent the people from putting a limit to our encroachments on the Constitution—from saying to us, if so, you shall go, and no further. He knew there was a guiltlessness about his party which fitted them well for the other world, but which did not so well qualify them for contending against the common of unrighteousness in this. What better course could we take, than to submit our work, as far as we have gone, to the people, together with the article for future amendment, and then to leave it to them to say by their votes whether we shall reassemble or not? If this course were adopted, where would then be no difficulty of putting an end to our labours in one week and returning home? He confessed he had no expectation that this course would be adopted; for he saw his friends, with whom he usually acted, leaving their path, and wandering off among the thorns and brambles. If the pending amendment should be adopted, he could not offer his proposition; and if it was rejected, some gentleman, he supposed, would be kind enough to move the previous question, and cut off all amendments. Gentlemen would, therefore, make a direct vote on this question. He was aware that he should be chided for referring to the expenses of the Convention; but he asked whether expenses, when we saw them unnecessarily accumulated, heap upon heap, ought not to be taken into consideration? Of one thing he was certain—if they were not considered here, they would be among the people. Why were gentlemen so anxious to shun the subject, and prevent the people from knowing what they were, unless they apprehended that the people would disapprove of our extravagance?

Was it so one of the secrets of this body? Can we deny the facts? Can we say that we are not expending eleven hundred dollars a day? Can we deny that our mileage will be trebled by two adjournments? Will we then deny that the fact will meet the disapprobation of the people? Or will we urge that the expenses of the Legislature are still greater than ours? This would be a poor excuse for our expenditures; but it was only true of one Legislature, and that was the last. The expenses of the last Legislature did amount, it was true, to eleven hundred and eighty seven dollars and sixty cents a day; but the Legislature immediately preceding, which had been so much villified and abused by the democratic party, expended only eight hundred dollars a day. He did not go back further than the sessions of 1835-6, because upon that Legislature the viails of democratic wrath had been poured out unsparingly. But that Legislature, which held two sessions, revised the codes of laws, and gave the Commonwealth a revenue of six millions of dollars, sat 150 or more days, and cost only $133,000: while the last Legislature, which sat only 120 days, cost $142,500. The printing of the Legislature of 1833-6, though their laws formed volumes double in size to those of any session before or since, cost only $23,000—10,000 for the Senate, and 13,000 for the House—while the printing of the last session cost $38,500, of which the Senate was $14,100, and the House $24,400. All the other items of expense of the last session, Legislative, were much larger than those of the preceding antinomian Legislature. He had introduced these facts incidentally, and they showed that the expend-
Mr. Darlington said that he was prepared to take his share of the responsibility of voting for an adjournment. If the gentleman would bring forward his proposition as a separate motion, he would vote for it.

Mr. Brown, of Phila. county, said that, heretofore, he had voted against adjournment; but he now doubted whether it was not just to fix the day of adjournment. He could not believe that the gentleman from Adams (Mr. Stevens) was serious in his remarks about expense. No one had been more the cause of that expense than that gentleman himself. If he voted for an adjournment, it would be to get rid of this continually debating questions of adjournment. He said that some gentlemen had declared that they were speaking for their constituents. If we were, therefore, to proceed now when the elections were in prospect, we should have nothing for the people, or candidates for the Legislature, instead of debating with reference to the business here.

Mr. Earle said that whatever might be the effect of an adjournment, it would fall on the reformers. Two gentlemen of the conservative party had made speeches against the adjournment, and he believed that when the vote was taken, it would be found that there would be few conservative votes but their own, and that the reform party would vote by the rule of contraries. In this way, the friends of reform would be baffled. He was in favor of the amendment of the gentleman from Susquehanna (Mr. Read) in preference to that of the gentleman from Chester, (Mr. Darlington,) as it fixed the adjournment on the 9th of August, and would give time to set upon the judiciary article, and on a section providing for future amendments. The delegates could then be able to go home and face their constituents. He was, however, in favor of no adjournment. He then read a letter from Philadelphia county, to show that the Convention was unpopular.

Mr. Porter, of Northampton, said that the friends of adjournment had a fearful odds to contend with on the present occasion: the delegate from Adams, an experienced politician, had given the word to the conservatives—"attention!—"eyes right and dress,—order them to stand by their arms, and supposing that he had a right to exact obedience; and the delegate from Philadelphia county (Mr. Earle) had called on the reformers to beware how they voted for the adjournment, or they should answer for it. Here we find the great advocates of the two opposite systems joining in opposition to this matter. I find this passage in the New Testament, which may be found applicable to the state of things in this—"And the same day Pilate and Herod were made friends together; for before they were at enmity between themselves." I always fear mischief from the union of such discordant materials. "Now, I do hope that the rank and file—those who compose the bone and sinew of the grand army of the Convention—will not be intimidated on either hand, but vote as they list, dreading to disobey orders, although the command may go forth "that deserters must be shot."

I was much struck at the apparent sincerity with which the delegate from Adams told us that he had his early (I do not know which of them he means) were composed of such guileless materials, that they were unfit for the company and conflicts of this wicked world, and only fit for heaven, or some such haven of innocence and purity; and as I am given to the narrative style, it reminded me of an old sinner who, having passed the prime of his life in all manner of wickedness, in old age was accosted by a sober and serious citizen, and asked what he thought he was fit for. "On!" said she, after rather exultingly referring to her course of life, its trials, its pleasures, and its troubles, "these are all over, and now I am only fit for the kingdom of heaven, and hardly that."

The delegate from Adams tells us that the people will look to these expenses, and that we shall incur the expense of treble mileage by meeting again in October—alleging that we must meet in this place. The resolution simply proposes adjourning to a given day. We will meet at this place unless we agree to another; but we stand wholly uncommitted on that question in adopting this resolution; and if we determine to meet at any other place than this, there will be no increased expense of the kind incurred. The delegate has denied the statement made as to what the actual expenses of this Convention are, and has poured out the whys of his wrath on the Legislature of the last session, as extravagant, and all that is bad; whilst that of 1835-6 holds up as a pattern of propriety and economy. Now, how is the fact, as to the comparative expenses of the two sessions? The expenses of the session of 1835-6 was about $134,000; of this, the printing amounted to $24,078 30, and the contingent expenses to $97,977 30. The principal item in the contingent expenses, is postage. The expenses of the session of 1836-7, as furnished by the Treasurer, is $142,522. Of this the printing amounted to $30,149, and the contingent expenses to $107,067. So that deducting the printing and contingent expenses, it leaves the pay and mileage of the members at the session of 1836-7, at a sum of $63,571; whilst that of the session of 1835-6 was $82,582. Let it be remembered that the printing and contingent expenses of the last session were greatly increased by an investigation, which was found necessary, into the conduct of the persons who had charge of your lines of public improvements. That a committee had to pass along those lines, and take the testimony of numerous witnesses, all of whom had to be paid, and that the house ordered all this evidence to be printed and distributed for the information of the people at large, which much increased those items. They were swelled also by the expenses of the committee appointed to inquire into the conduct of the preceding Legislature, in passing the act which has been so much spoken of, and who examined many witnesses, some whom the delegate from Adams perhaps knew.

The preceding House of Representatives, too, had established an inquisitorial tribunal, that dragged aged and respectable citizens before it, violating and trampling upon their rights and liberties, but who, with becoming firmness, stood upon their reserved rights, and refused to recognize the power of this tribunal thus constituted. That house refused to pay the expenses of those men, whose rights had thus been violated. The last House of Representatives, however, ordered them to be paid, and thus a considerable item which properly belonged to the session of 1836-7, is paid in and charged to the session of 1836-7.
The delegate from Adams, who was versant in all these transactions, asks if this subject of expense is to be one of the secrets to be kept from the people? I presume not. I wish the light of Heaven to shine upon and make manifest all our actions. But, whilst on this subject, I might ask whether there were not some secrets during that memorable session of 1836-6, which have never yet seen the light, and which, in all probability, never will? and which, perhaps, might be of as much importance to the members of the Convention as the expenses of the Convention. I trust, however, that the members of this body are neither to be frightened nor cajoled, but will test every question that arises by its intrinsic merit, and by that alone.

The delegate from Adams, in conclusion, became very much the friend of the poor, all at once, and talked to us about the expense creating burdens on the poor laboring men, who, from day to day, earn their subsistence by the sweat of their brow. Pray, sir, since when has this class been placed under his special protection? I understood him some days since, to speak of them in a very different manner. I think, however, in this matter, he will find himself interfering with the duties and prerogatives of the delegate from the county of Philadelphia, (Mr. Earle.) In conclusion, let me call on the moderate reformers to disregard, on the one hand, the command of the "drill sergeant" of the conservatives; and, on the other, the call of the "great reformer," and act and decide for themselves.

Mr. STEVENS said that some men's brains were like an old lumber house, where every kind of lumber was laid up, and when a structure was going up, some crooked, shapeless stick was thrown upon it, whether it was appropriate or not—that if Pilate and Herod were made friends, they ought to be thankful that they had not been joined by Judas Iscariot, to betray them as he had all parties. He said that some men remembered all the old proverbs, which they brought in on all occasions, and on all subjects. He then commented severely upon the remarks of Mr. Porter, on the course of the Legislature of 1836-6, and especially to the reference to the investigation of Masonry and the bank.

Mr. PORTER replied with severity. He said he was willing to meet the subject of masonry and anti-masonry whenever it came up; now it was out of place. He returned on the subject of illustration by anecdotes and stories, and said their applicability was best tested by the effect produced. You could always tell the wounded pigeons by their fluttering. He continued on in a strain of sarcasm and irony an amendment on Mr. Stevens and his course of conduct, for some time.

Mr. CHANDLER, of Philadelphia, defended the cause of the masonic witnesses.

Mr. DENNY opposed the amendment to the amendment, and was in favor of going on with the business of the Convention without adjournment.

Mr. DUNLOP went into an account of the expenses of the Convention, and undertook to show that they were greater than the expenses of the Legislature.

The vote was then taken on the amendment, when it was agreed to by the following vote:


NAYS—Messrs. Agnew, Ayres, Banks, Barnwell, Bayne, Bell, Bonham, Butler, Clark of Beaver, Clarke of Dauphin, Clarke of Indiana, Cline, Cochrane, Cope, Crain, Cunningham, Darrah, Denny, Dickerson, Donnell, Donnul, Dunlop, Earle, Fleming, Gamble, Gilmore, Hayhurst, Heffenslein, Heister, High, Keim, Kerr, Konigsmaker, M'Call, M'Sherry, Meredith, Merkel, Miller, Nevin, Purviance, Read, Ritter, Rogers, Smyth, Steigere, Stevens, Stickel, Taggart, Thomas, Young—49.

Mr. EARLE then moved to amend the amendment, by adding the following provision:

Provided, that before such adjournment, the tenure of the judges of the several courts, and a provision for future amendments, shall be considered in committee of the whole.

This amendment was negatived.


NAYS—Messrs. Baldwin, Barclay, Barndorff, Bell, Biddle, Carey, Chandler of Chester, Chandler of Philadelphia, Chambers, Cleavinger, Craig, Crum, Cummin, Cunningham, Curill, Darlington, Dickerson, Dillingar, Donnell, Dunlop, Farrelly, Fry, Fuller, Gearhart, Gilmore, Grenell, Harris, Hastings, Hopkins, Houp, Hyde, Junks, Kennedy, Konigsmaker, Krebs, Maclay, Mann, Martin, M'Call, M'Sherry, Meredith, Merrick, Myers, Overfield, Pennypacker, Pollock, Porter of Lancaster, Porter of Northampton, Reigert, Riter, Russell, Seager, Scott, Sellers, Serrill, Scheetz, Sill, Snively, Stevens, Stickel, Thomas, Tod, Weidman, Young, Sergeant, President—67.

Mr. STEVENS then moved to amend the amendment, by substituting the following:

Resolved, That the following amendments to the Constitution shall be submitted to the people of this Commonwealth for their confirmation or rejection at the next general election, in the following manner: The amendments shall be submitted all together. The several inspectors appointed or chosen to conduct the election shall, at the times and places of holding said election, receive written or printed tickets from the electors qualified to vote at said election, labelled on the outside "Amendments," and containing on the inside "For the amendments," or "Against the amendments,"
and the votes thus given shall be counted and returned in the same
manner as is now provided for in the case of votes for representatives
—which said votes shall be opened, counted, and declared by the
next General Assembly in joint Convention on the third Wednesday
of December next. And if a majority of all the votes thus given shall
be "For the amendments," then these amendments shall become and
be a part of the Constitution of this Commonwealth; otherwise they
shall be void. The Secretary of the Commonwealth shall cause the
amendments to be published in at least two newspapers in each coun-
ty (containing so many) for at least two months before the election.

Amendments.

Article I. After the sections second and tenth, so as to read as
follows:

Section 2. The Representatives shall be chosen annually by the
citizens of Philadelphia and of each county, respectively, on the
third Tuesday of October.

Section 10. The General Assembly shall meet on the first Tues-
day of January in each year, unless sooner convened by the Gover-
nor.

Article III of the Constitution. Alter section 1, so as to read as
follows:

Section 1. In elections by the citizens, every freeman of the age
of twenty-one years, having resided in the state one year, or if he
had previously been a qualified elector, six months before the elec-
tion, and within two years next before the election paid a state or
county tax, which shall have been assessed at least ten days next be-
fore the election, shall enjoy the rights of an elector: Provided,
That freemen, citizens of the United States, having resided in the
state at least six months, being between the ages of twenty-one and twenty-
two years, shall be entitled to vote, although they shall not have paid
taxes.

Article V of the Constitution. Alter it to read as follows:

Section 1. Sheriffs and coroners shall, at the times and places of
election of Representatives, be chosen by the citizens of each coun-
ty. One person shall be chosen for each office, who shall be com-
missioned by the Governor. They shall hold their offices for three
years, if they shall so long behave themselves well, and until a suc-
cessor be duly qualified, but no person shall be twice chosen or ap-
pointed sheriff in any term of six years. Vacancies in either of said
offices shall be filled by a new appointment to be made by the Go-
vernor, to continue until the next general election, and until a suc-
cessor shall be chosen and qualified as aforesaid.

Add a new section, to be called section 6, as follows:

Section 6. Prothonotaries and clerks of the several courts, except
the Prothonotaries of the Supreme court, who shall be appoint-
ed in the respective districts by the court for the term of three years,
if they shall so long behave themselves well, and are not removed by
the court, Recorders of Deeds and Registers of Wills, shall, at the
times and places of election of Representatives, be elected by the ci-
tizens of each county, or the districts over which the jurisdiction of
said courts extends, and shall be commissioned by the Governor.
They shall hold their offices for three years, if they shall so long be-
have themselves well, and until their successors shall be duly quali-
fied. The Legislature shall designate by law the number of per-
sons in each county who shall hold said offices, and how many and
which of said offices shall be held by one person. Vacancies in any
of the said offices shall be filled by an appointment to be made by the
Governor, to continue until the next general election, and until a
successor shall be elected and qualified as aforesaid.

Add a new section to be called section 7, as follows:

Section 7. Justices of the peace and aldermen shall be elected by
the citizens of the several boroughs, townships and wards, at the
times and places of electing constables, and hold their office for five
years, if they so long behave themselves well: the number in each,
district to be fixed by the Legislature.

Add a new article, to be called article X, as follows:

Article X. Section 1. The public debt of this Commonwealth
shall never exceed the sum of thirty millions of dollars.

Article XI. Section 1. Any amendment or amendments to this
Constitution may be proposed in the Senate or Assembly, and if the
same shall be agreed to by a majority of the members elected to each
of the two houses, such proposed amendment or amendments shall
be entered on their journals, with the yeas and nays taken thereon:
And the Secretary of the Commonwealth shall cause the same to be
published, as soon as practicable, in at least one newspaper in every
county in which a newspaper shall be published; and if, in the Legis-
lature next afterwards chosen, such proposed amendment or amend-
ments shall be agreed to by a majority of all the members elected to
each house, the Secretary of the Commonwealth shall cause the same
to be published in manner aforesaid, and such proposed amend-
ment or amendments shall be submitted to the people at such time,
at least three months distant, and in such manner as the Legislature
shall prescribe: And if the people shall approve and ratify such am-
endment or amendments by a majority of the qualified voters of
this state who shall vote thereon, such amendment or amendments,
shall become a part of this Constitution.

Resolved, That the convention shall now adjourn to meet again
on the first Tuesday of May next, if the people shall so determine
under the following provision:

Provided, That the question whether this Convention shall as-
semble, shall be submitted to the people at the next annual election
in the following manner, viz.: The Inspectors who shall conduct
said election, shall receive written or printed tickets from the legal
voters, labelled on the outside "Convention"—and on the inside
containing the words "Assemble," or "not Assemble," which shall
be carefully counted, and returned in the same manner as is now
provided for in the case of the election of Sheriffs. And the Secre-
tary of the Commonwealth shall open and count the same in twenty-
five days after the election, and if the number of votes containing
the word "Assemble," shall exceed the number of those containing
the words "Not Assemble," then the Governor shall forthwith give
notice thereof by publishing the same in every county of the state
and notifying the Convention to assemble. But if the votes con-
taining the word "Assemble," shall not exceed those containing the
CONVENTION PROCEEDINGS.

(Continued from Friday.)

words "Not Assemble," then the Governor shall, in like manner, give notice thereof, and this Convention shall be dissolved.

Mr. STEIGERE then moved to postpone the amendments, together with the resolution, indefinitely; which motion was negatived, as follows:


NAYS—Messrs. Agnew, Baldwin, Barclay, Barndollar, Bedford, Bell, Biddle, Carey, Chambers, Chandler of Chester, Chandler of Philadelphia, Chauncey, Cleavinger, Cope, Craig, Crum, Cummin, Curll, Darlington, Denny, Dickerson, Dilling, Dunlop, Farrelly, Forward, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Harris, Hastings, Hopkinson, Houpt, Hyde, Ingersoll, Jenkins, Kennedy, Konigmacher, Krebs, Maclay, Mann, Martin, McCall, Merideth, Merrill, Mersh, Myers, Overfield, Pennybacker, Pollock, Porter of Lancaster, Porter of Northampton, Raigart, Ritter, Rogers, Russell, Sager, Scott, Sellers, Serrill, Scheetz, Shellito, Sill, Snively, Stevens, Swetland, Taggart, Thomas, Todd, Weidman, Young, Sergeant, President—77.

Mr. REIGART then modified his resolution by striking out Lancaster as the place for the future meeting of the Convention, so as to leave it to be determined afterwards.

Mr. MARTIN then called the previous question.

The vote was then taken on—shall the main question be now put? and decided in the affirmative, as follows:


NAYS—Messrs. Agnew, Ayres, Baldwin, Barndollar, Bayne, Bedford, Bell, Biddle, Butler, Chambers, Chandler of Philadelphia, Chauncey, Clark of Beaver, Clarke of Dauphin, Cline, Cochran, Cope, Darlington, Darrah, Denn, Dickerson, Dilling, Doran, Dunlop, Earle, Fleming, Harris, Helfenstein, Heister, Hopkinson, Ingersoll, Kein, Kerr, McCall, Mersh, Meredith, Merrill, Mersh, Montgomery, Porter of Lancaster, Purvis, Ritter, Scott, Sill, Steiger, Stevens, Todd, Weidman, Young, Sergeant, President—50.

The vote was then taken on the resolution to adjourn on the 14th of July, instant, to meet again on the 16th of October next, when it was agreed to by the following vote:


NAYS—Messrs. Agnew, Ayres, Banks, Barndollar, Bayne, Bonham, Butler, Clark of Beaver, Clarke of Dauphin, Clarke of Indiana, Cline, Cochran, Crain, Darrah, Denn, Dickerson, Donnell, Doran, Dunlop, Earle, Fleming, Gamble, Gilmore, Hayhurst, Helfenstein, Heister, High, Kein, Kerr, McCall, Mersh, Meredith, Merrill, Miller, Montgomery, Nevin, Purvis, Read, Ritter, Rogers, Smyth, Steiger, Stevens, Stickel, Taggart, Thomas, Young—47.

The committee then rose, and the Convention adjourned until 4 o'clock, P. M.

Friday Afternoon, July 7, 1837.

Mr. BELL obtained leave, and offered the following resolution:
Resolved, That when this Convention adjourns on the 14th of July, it will adjourn to meet in the city of Philadelphia on the 17th of October next.

Mr. STEVENS then moved to amend the resolution by striking out all after the word resolved, and inserting the amendment which was offered by him just before the previous question was called in the forenoon.

Mr. REIGART moved to amend the amendment by striking out all but the first word in the resolution and the amendment, and insert—"That a committee be appointed to inquire and report, before the 14th instant, to what place the Convention will adjourn on the 17th of October next."
Mr. BELL then accepted the amendment of Mr. Retgart as a modification of his resolution.

A debate ensued, in which Messrs. Bell, Stevens, Routier, Denny, Forward, Clarke of Indiana, and Brown of Philadelphia county, participated—when Mr. Stevens withdrew his amendment.

The resolution then, as modified, passed.

SIXTH ARTICLE.

The Convention then resolved itself into the committee of the whole, Mr. CHAMBERS in the chair, on the sixth article of the Constitution.

Mr. EARLE then moved to amend by adding the following provision:

Provided, that not more than four justices of the peace, or aldermen, shall be elected in any township, ward, or borough.

After some remarks on the subject from Messrs. FULLER and BANKS.

Mr. STERIGERE moved an amendment to the amendment, providing for the election of one justice for each township, borough, and ward, containing not less than 50, nor more than 300 taxables, and two justices where there were 300 taxables.

Mr. STERIGERE said he had heard no expression of opinion among his constituents in favor of the election of justices of the peace. If such a wish existed among them, he was ignorant of it. He did not think they desired such an amendment. He believed if the number of justices was limited within proper bounds, and a check put upon the Governor's appointment of them, as the negative of the Senate, and their term of office limited to five years, the people of his county would be perfectly satisfied; and, under this conviction, he had proposed the amendment which he had offered, embracing these provisions. The Convention having decided by a large majority, that justices should be elective, was strong evidence of public opinion in favor of that mode of appointment, and he should hereafter sustain it with such guards as might be deemed salutary. He had voted against the amendment offered by the delegate from Fayette, (Mr. Fuller,) because it placed no limit to the number of justices, and required two contests for these officers in every township and borough: one to fix on the number, and another to elect them, which he thought objectionable. Under this amendment, he thought the smallest townships would generally have the greatest number of justices, because the candidates would have few voters to influence, and could easily effect their purposes by combining together. If it had been negatived, he had intended to offer an amendment which he read as follows, for information:

"The citizens qualified to vote for members of the Legislature, shall, at such times and in such manner as may be provided by law, elect one justice of the peace in each township, borough, and ward, containing not less than fifty, nor more than two hundred taxable inhabitants—and two justices in each township, borough, and ward, containing more than two hundred taxable inhabitants, unless a greater number be allowed by law. They shall be commissioned by the Governor and hold their offices for five years, if they so long behave themselves well; but shall be removed on conviction of misbehavior in office, or of any infamous crime, or on the address of the Senate."

In Montgomery county, said Mr. S., there are about fifty acting justices. The amendment offered by the delegate from the county, Mr. EARLE, authorized the increase of that number to 132 in Montgomery, increasing their number there about three fold. And he supposed it would have a like effect in other counties, making above 4,000 in the State. Under the amendment to it which he had moved, and which was now pending, the number in Montgomery would be about forty-five, and could not exceed sixty-four, unless authorized by a special act of assembly, and would make the number in the State between 1,600 and 2,000. With his amendment to it, he would vote for the amendment of the delegate from Fayette; but without such limitation, he should vote against it, and hoped it would be negatived, in order that the amendment he had read as information to the Convention, or some other satisfactory provision on this subject, might be adopted.

After some remarks from Messrs. BELL, SHI., and MERRILL, the motion was rejected.

Mr. EARLE was of the opinion, that four would not be enough for a borough of five or six thousand inhabitants. He modified the proposition, so as to make the number six for a borough. The Constitution of New York gave four to each township, large and small, and the number was not complained of.

The question was taken on the motion of Mr. EARLE, it was decided in the negative.

Mr. READ brought to view a proposition which, he said, he thought combined the views of a majority of the committee, and which he should offer if this amendment should be negatived. He would move an amendment, providing that justices of the peace and aldermen shall be elected in the several wards, townships, and boroughs, for the term of five years; that one shall be elected for each district, unless otherwise ordered by law; and that the justices shall be elected at the election of constables, and the aldermen at the election of assessors.

The question was taken on the report, as amended on motion of Mr. FULLER, and it was decided in the affirmative—yeas 57, nays 51.

The committee then rose, and the Convention adjourned.

SATURDAY, JULY 8, 1837.

Mr. INGERSOLL presented a memorial from 10,000 citizens of Philadelphia city and county, on the subject of the unlawful conduits of certain banking companies, and other corporations, in relation to the currency. Referred.

Mr. BELL, from the select committee appointed yesterday to inquire and report what eligible place could be procured for the meeting of the Convention on the 17th of October next, asked leave for the committee to visit the cities of Philadelphia and Lancaster, to make the necessary inquiries on the subject.

Mr. HOPKINSON suggested that a delegation from the committee would answer every purpose, and so many as five delegates could not now be spared.

Mr. SMYTH, of Centre, said it would be time enough to make the inquiry when we had determined to leave this place.
Mr. BELL stated that he had brought forward the motion under
the instruction of the committee; and they could not, he said, dis-
charge their duty within the time to which they were limited, with-
out a personal examination of the facilities offered by Philadelphia
and Lancaster.

Mr. MARTIN said he had no doubt that the Convention could be
accommodated either in Harrisburg, Philadelphia, or Lancaster; but
it was the duty of the Committee to see where they could be best ac-
commodated.

Mr. KERR opposed the motion, and hoped it would be so amend-
ed as to provide that the Convention shall assemble at this place. He
was opposed to the appointment of travelling committees.

Mr. INGERSOLL had thought, he said, of giving the Committee
power to send for persons and papers, and allowing them to sit here.
He could not vote for a travelling Committee under any circum-
stances.

Mr. CHANDLER, of Philadelphia, said it was true that we had
not determined to leave Harrisburg; but we could not determine to
what place to go, without the information proposed to be obtained.

Mr. CLARKE, of Dauphin, said the authorities of Harrisburg
would make every effort to accommodate the Convention here; and
he trusted that it was the intention, and would be the bent of the
Committee, to finish their labors by the time the Legislature shall
convene. He moved to discharge the Committee from the further con-
sideration of the subject.

The CHAIR decided that the motion was not in order.

Mr. REIGHT said the Committee, personally and individually,
had no wish to undertake the journey to Philadelphia; but they had
proposed it in discharge of the duty imposed upon them.

Mr. BELL said he had not expected, by this report, to give ground
for a discussion; and, to save the time of the Convention, with the
assent of the Committee, he withdrew the motion.

Mr. KERR then moved the following order: That when the Con-
vention meets in October, it meet at Harrisburg.

Mr. STEVENS said no majority of this Convention would have
voted for the resolution of adjourning to meet in this place in October,
which was the most unhealthy season of the year at this place—and
then to be crowded out of their places in a month’s time by the Le-
going—for the hall must be put in order for the House of Representa-
tives before their meeting. He thought that we should be obli-
ged to rescind the latter part of the resolution adopted yesterday, and
meet in May next.

Mr. KERR varied his motion, so as to move that the Committee be
discharged from the consideration of the subject.

Mr. MEREDITH moved to postpone the consideration of the
motion till Wednesday.

Mr. KERR had no objection to the postponement.

Mr. STERIGERE opposed this motion, as the Committee would
suspend their inquiry if it was postponed.

Mr. FORWARD preferred meeting in Harrisburg; and the Legis-
lature would, he thought, be willing to give us the use of the hall.

Mr. HEISTER would also prefer meeting in Harrisburg, if there
was any prospect of completing our labors before the Legislature met;
but he thought we ought not to think of sitting here at the same time
with the Legislature. The two bodies, from the interest which each
would take in the other, would interfere with each other, and we
should be exposed to the charge of being influenced by the Legislature.

He suggested, therefore, that the decision of this matter had better
be postponed until we could get information through our Committee,
of the cost of a Hall to meet in, and of fitting it up for our accom-
modation, either in the city of Philadelphia, or in Lancaster. And
for this purpose he should vote for the motion of postponement.

Mr. MEREDITH did not wish the impression to remain that a
suitable place in Philadelphia would cost us a large sum; but the
suggestion was an argument in favor of obtaining the information pro-
posed to be obtained by the appointment of this Committee. He hoped
the motion of the gentleman from Washington would be postponed,
especially as the mover assented to it; and, in the mean time, the
necessary information could be procured.

After some remarks from Mr. READ in favor of meeting at Harris-
burg.

Mr. HOPKINS urged the propriety of rescinding the resolution
of yesterday, so far as it provides that the Convention shall meet in
October next, and of ordering that the meeting take place next May.

Mr. KERR modified his resolution so as to read as follows:
Resolved. That the meeting of the Convention on the 17th of Oc-
tober next, be at this place.

The question being on the motion, Mr. MEREDITH moved to
postpone the above resolution till Thursday.

Mr. BELL opposed the postponement, and urged the decision of
the question at once. The inquiry of the Committee would necessa-
riely be suspended until the resolution was acted on.

Mr. HEISTER and Mr. MEREDITH were in favor of the post-
ponement, for the very reason that, in the mean time, the Committee
might report the facts upon which the decision of the Convention
would depend.

Mr. CLARKE, of Indiana, was opposed to the postponement, be-
cause the subject would on Thursday be again discussed, and occupy
the whole day again, and because, by that day, so many members
would be absent, that it would be a matter of mere chance how the
question would be decided. He was himself in favor of meeting here
and remaining, until it should be ascertained that we must leave the
hall before we complete our business.

Mr. JENKS spoke in favor of the postponement.

Mr. FULLER voted, he said, for the resolution appointing the
Committee yesterday, but he was now in favor of settling the question
at once, whether we should meet here or not. If an arrangement
could be made here, as he had no doubt it could be, for the accom-
modation of the Convention, he should be in favor of meeting here.
He had no doubt the corporate authorities of Harrisburg would fit up
the court-house, either for us or for the Legislature, if, as he believed,
the body would offer us the use of the hall—the Convention being
the more numerous body of the two.

The motion to postpone till Thursday was lost—ayeas 38, noes 40.

Mr. SCOTT moved to postpone the consideration of the resolution
till Wednesday next, and spoke in opposition to meeting at Harris-
burg, at a period of time when the Legislature was also in session,
even if two halls could be procured here, each of them as large and
Mr. SMYTH, of Centre, asked the yeas and nays on the question.

Mr. STERIGERE said if we did not finish our business before the Legislature adjourned, we should, at least, have the advantage of the use of the hall for seven weeks; and then, if necessary, we could go to the court house, or elsewhere.

The question was taken, and decided in the affirmative—yeas 53, nays 52, as follows:


NAYS—Messrs. Ayres, Banks, Barndoller, Bayne, Bedford, Chambers, Clark of Beaver, Clarke of Dauphin, Clarke of Indiana, Cline, Crain, Cummin, Darrah, Denny, Dickerson, Donnell, Doran, Farrelly, Fleming, Forward, Fuller, Gamble, Harris, Haywood, Helfenstein, High, Hyde, Ingersoll, Keim, Kerr, Krebs, Maclay, Mc-Call, Merkel, Miller, Montgomery, Myers, Nevin, Pollock, Read, Ritter, Rogers, Russell, Sellers, Sheetz, Shellito, Smith, Smyth, Sively, Sterigere, Swetland, Weidman—52.

So, the subject was postponed till Wednesday.

Mr. MERRILL offered the following resolution:

Resolved, That a special committee be appointed to inquire and report, whether some means may be adopted to prevent the necessity of the reassembling of this body.

Mr. MERRILL moved the 2d reading and consideration of the resolution.

The motion was negatived—yeas 37, nays 70, as follows:


Mr. DENNY presented a petition from sundry free citizens of the color of the town of Pittsburgh, remonstrating against the adoption of any provision depriving free colored citizens from the right of suffrage.

Mr. DENNY moved that the petition be referred to the committee on the ninth article.

Mr. BROWN, of Philadelphia county, said he should vote against the reference of the petition to a committee, for the reason that the committee on the subject referred to in the petition, had already reported favorably to the views of the petitioners. It was, therefore, useless to send it to them. He was opposed to having it printed, as it was, the subject had been acted upon by the Convention in committee of the whole, and its action had been favorable to the views of the petitioners. The Convention, therefore, did not require the information contained in the memorial. If the motion to refer and print was rejected, he should move to lay it on the table. He would not treat the petition disrespectfully, no matter from where it came; nor would he quarrel with the petitioners, though he must say they had used very exceptional phrases, and not the most likely to accomplish their object. They say we, who have taken a different view of the subject from ourselves, have made ourselves liable to "just sarcasm"—have acted upon "barbarous prejudices," &c. Not very courteous language, indeed, for petitioners to use; but he (Mr. B.) did not deem it worthy of regard, nor was he disposed to take exceptions to another sentiment he found in the memorial. These memorialists say that "impartial observers assert, that there is less idleness and drunkenness among those of their color who live in the city, Pittsburgh, than among any other class of its citizens." This was strong language, Mr. B. said; but if the gentlemen from Allegheny, and particularly the gentleman (Mr. Denby) who presented it, were satisfied of its truth and propriety, he would not object to its going on the record. He could not, however, suppose that there was so much "idleness and drunkenness" in all classes of the people of Pittsburgh, as these very sober and industrious memorializing gentlemen indicate. If it were really so at Pittsburgh, he (Mr. B.) did not wish it to be considered as applicable to Philadelphia.

The reading of the memorial and accompanying documents was called for, and they were read.

Mr. INGERSOLL, after some remarks on the importance of the subject presented in the memorial, in reference to the character of this body, the interests of this state, and the harmony of the United States, suggested the propriety of referring it to a special committee, as the committee on the 9th article was in effect functus officio. At the same time, he suggested, that he thought, when the memorial was read, that it contained language rather harsh against citizens of other States, whose misfortune it was, as he considered it, to hold slaves. He was not sure yet that this was the fact, and for this reason, while we viewed it with proper attention, he thought it proper to avoid any precipitation, particularly as, at this stage of the session, the subject to which it relates could not be acted on.

Mr. FORWARD said that there was no necessity for raising a select committee on this subject, as the standing committee on the 9th article had not been discharged. The worthy gentleman from
the county, he believed, was not present when his colleague (Mr. Martin) moved an amendment restricting the right of suffrage to white males. The Convention, on that occasion, exhibited a decided aversion to meddling with the subject in any way, and determined not to make any alteration of the Constitution in relation to it. He saw no occasion, therefore, for a special committee on the subject.

Mr. INGERSOLL acquiesced in the suggestion of the gentleman from Allegheny.

Mr. STERIGERE suggested that there was nothing in the character of this memorial, which rendered it proper to give it any special attention.

Mr. STEVENS said the proper motion, it appeared to him, would be to print the memorial. He advocated the right of the petitioners to present a petition on this or any subject relative to the business before the Convention. The documents accompanying the petition to present a petition on this or any subject relative to the business before the Convention. The documents accompanying the petition were of importance in connection with the question to which it refers, and which question would certainly come before us at some time. The question was not whether we should grant the passage of the petition, but whether we should receive it, and treat it with the same degree of courtesy that we gave to other petitions.

Mr. MARTIN was in favor of printing the paper, because it showed that the negro population of Pittsburgh was far superior to any other class of society there; and also that the people of Pennsylvania were inferior to the citizens of any other State.

Mr. EARLE expressed a strong desire to proceed to the consideration of the 6th article, and hoped the previous question would be resorted to, if this discussion were continued much longer.

Mr. INGERSOLL spoke at some length against making a special order for printing this petition. In the course of his remarks, he said that John Quincy Adams had fallen into the English error, in reference to his views on the right of petition, that the people ought to petition those whom they sent to represent them. He thought that the declaration of the gentleman from Adams, (Mr. Stevens,) on this question, was too much like the southern manner of debate, declamation without the coolness of argument. He said that he had lived too long in habits of intimation with the gentlemen of the south, not to respect their feelings, although he might not agree with them in sentiment. He was opposed to getting up an angry and useless discussion, which must end only in an injury to the black man, and tending to embroil the states in a contest which will end only in bad feeling. He trusted that the petition would remain where it is.

Mr. CHANDLER, of Philadelphia, said we have committed a grand mistake, sir, in not allowing the memorial to take the course of all similar papers, and the evils consequent upon its being published, evident as they are in this protracted debate, have not yet ceased; because I purpose to offer a few remarks upon the same subject.

The gentleman from the county (Mr. Ingersoll) has attempted to prove, that the right of petition, granted to citizens, did not include the privilege of addressing "this body," which is not in the language of the Constitution the "governing power." It appears to me, sir, that citizens of Pennsylvania have at all times a right to address, in a respectful manner, a body of their public servants, assembled to deliberate upon and propose regulations that are to effect their interests—whether that assembly be a Legislature to enact laws for special objects, or a Convention to propose constitutional alterations, which may, by an omission, or addition of a single sentence, affect the law, the liberty, and social and political privileges of a large class of the community. If the Executive or the Legislative bodies of this Commonwealth may be approached with a petition for redress of grievances or perpetuation of privileges—"because they are governing powers"—surely this Convention, which is to prescribe rules for the governing powers, should be more especially open to address, as an error in its decisions might perpetuate an evil beyond the power of Executive or Legislative correction.

The right of citizens, then, to petition this Convention, is a perfect right, as much secured to them by the genius of our institutions and the Constitution of the state, as our right to occupy this hall in our present capacity is warranted by the act of assembly under which we have convened.

It is asserted by one gentleman that the language of the memorial is not entirely correct—that it sets forth an assertion of a reputable white man, viz.: "that the coloured population of Pittsburgh and its vicinity, are as respectable as any other class of society in that city."

Whether there is not a slight inaccuracy in the expression, I cannot say. It is probable that some qualification concerning situation and rank ought to have been inserted; but he was not accountable for the facts set forth, and which, after all, are only given as the belief of a gentleman who had possessed opportunities of forming an opinion. What object any man could have in flattering the blacks, I cannot imagine.

I pretend not to know whether these petitioners are as good in point of moral character as other citizens of Pittsburgh; but this I may venture to say, that if they have acquired any considerable degree of the moral worth of the people of the western emporium of our state, they are worthy of all consideration, and have a claim upon the respect as well as the protection of this Convention.

The gentleman from Montgomery (Mr. Sterigere) expresses surprise, that out of two thousand, the number of the black population in Pittsburgh, only one hundred should have signed the petition. That gentleman forgets, perhaps, what number of the two thousand were women and children, and what number were so deficient in character as not to be invited, or so wanting in education as to be unable to sign the memorial.

The question of printing is that alone which is before us: it does not appear to me that we are called on to wander across the lines of our state, and discuss the subjects of slavery—the sufferings of the black, or the rights of the white. The slavery of the south is sanctioned by the Constitution of the United States, an instrument which we are not called upon to discuss or amend—the petition before us is from men, claiming to be citizens of this Commonwealth, and their right of memorializing is secured to them by the very Constitution for which we have all expressed so much regard, and upon which we are now deliberating.

Some surprise has been expressed at the appearance of this memorial, as well as censure of its language. It appears to me, sir, that nothing is more natural than both. The coloured people of Pittsburgh had heard a report that this Convention seriously entertained a proposition to take from them their privileges of citizenship, and, without scrup.
ganse of tone—without menace, or more trucking, they state their
numbers, character, wealth, and standing; and ask us—not for new
political powers, not for extraordinary privileges—but simply that
rights granted to them by the Constitution of 1787, may not be torn
away from them—and what do we hear now, sir? Not a discussion
of the rights of these taxpayers to citizenship, but a denial of their
right to petition—a refusal to allow them to solicit from us a continua-
tion of what they hold by the Constitution of the state. Yes, sir,
these men who are taught—who are encouraged indeed by the scrip-
tures, to petition the Almighty "to deliver them from evil," are told
that they may not approach their fellow men with a petition to be
spared the infliction of an evil that cuts them off from the rights
and privileges of citizenship. I trust, sir, that the petition and papers
will be allowed to take the proper parliamentary course; less than
that would be a denial of the rights of petition. A select committee,
or any other more than ordinary disposal of them, would seem to
intimate, that not the grievance, but the complaint of grievance, was
deemed extraordinary to Pennsylvania.

Mr. Denny said that when he presented this memorial, he believed
he was discharging a plain and simple duty, which he owed to this
Convention, and to the freemen who signed it. He would have
been recreant to that duty had he withheld it. He believed the indi-
viduals had the right, with other freemen of this Commonwealth, to
memorialize this Convention, composed of the representatives of
freemen, and assembled to propose amendments to the Constitution,
involving some of their most valuable rights and privileges.

In the very first section of the ninth article of our Constitution
stands the declaration, that "all men are born equally free and inde-
dependent." In the 20th section, is secured the "right of the citi-
zens" "to apply to those invested with the powers of government
for redress of grievances, or other proper purposes, by petition, ad-
dress, or remonstrance." In accordance with these principles, the
memorialists have presented their views to the Convention. They
apply to this body, and have expressed their sentiments in their own
way, under a responsibility resting upon themselves.

Mr. D. said he was not responsible for the statement of facts and
opinions set forth in the memorial and accompanying documents,
nor did he pretend to give them any sanction, or vouch for their
accuracy. The responsibility belongs to those who have made the
representations. His duty was to present the documents sent to
him, to the Convention. He had supposed that the statistical facts
stated by the memorialists were important, and deserving the at-
ention of the members of the Convention, as furnishing some evidence
of the wholesome operation of our laws in ameliorating the condi-
tion of this portion of our population—in promoting industry among
them, and elevating their moral and intellectual character.

Mr. D. said he must dissent entirely from the opinion, as alleged,
that he would take the gentleman's very polished and logical argument to pieces, and see how consistent it
was. The gentleman says that citizens speak in the language of
command to their representatives, and have no right to petition, nor
ought ever to petition; and that it was only under arbitrary govern-
ments in Europe, where no power is reserved to the people, that they
can petition. The Bill of Rights says:
That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those entrusted with the powers of government for redress of grievance, or other proper purposes, by petition, address, or remonstrance.

Now, when he says that the people have no right to apply for redress of grievance by petition, and that such a right is a badge of slavery, does he mean to say, that the rights of the people do not depend upon the Constitution? Is the Constitution to be considered as annulled and abrogated, and some wild fancies, which have been brought to light in certain letters, set up in its place? Is the government to be made to depend on a wild modern theory? If the Constitution was not the charter of the rights of the people, what was it? Did the gentleman intend to repudiate the obligation of any written Constitution? He understood the gentleman very plainly to intimate further, that colored persons had not this right, because they were not citizens of the Commonwealth. Taking this further position, that colored persons are not citizens—how can he say consistently, with his first position, that they are not entitled to petition? If they were not citizens, but subject to the arbitrary will of the government—then, according to the gentleman's own theory, they had the right of petition. If the gentleman's argument then proved any thing, it proved that colored persons have a right to petition, and that white citizens have not.

[Mr. INGERSOLL here explained, that he had merely spoken of the petitioners as persons calling themselves citizens.]

The State Constitution, said Mr. Stevens, reserves the right of petition to "citizens"; and if colored persons are not citizens, then they have the right on the further ground, which has been assumed by the gentleman, that subjects may petition to those who are placed over them. Have the blacks no right to petition, because they are degraded and debased? And is the Christian scripture to be brought here to prove that they are not to be trusted as human beings, because they had been humbled and oppressed? He had not expected in a body like this, composed of men who were thought fit to represent the feelings and principles of a great, and liberal, and humane Commonwealth, to hear such sentiments avowed. He did not expect to hear it contended here, that God did not, out of one clay, create all mankind; nor to hear the Holy Scriptures cited as an apology and license for oppression. That they are degraded, no matter by whose acts, is a reason why we should receive their humble supplications in a spirit we were the owner of every southern slave, that he might cast off the shackles from their limbs, and witness the first dance of their freedom.

Are we to be told, sir, that we are not to print this memorial, because it will be offensive to the South? He deprecated this as a servile and unworthy motive of action. He certainly would not encourage any thing which interfered with the constitutional rights of the South: he would, under the provisions of the Constitution, permit them to claim their fugitive slaves in this State; but he would require a strict conformity with the letter of the Constitution and laws; however unnatural, cruel, and oppressive was their demand, he would say to the Shylocks, take your bond, but take with it not one drop of Christian blood.

This he would say to the Shylocks of the South. He knew that any freeman of the North who avowed these sentiments in the slave-holding States would pay for them with his life, and this he regarded as an illustration of the practices of slavery—that it debased all who came within its influence: but he trusted he might still speak his sentiments here. Let those who stand in fear of the South trample on their debasing tyranny. Sir, I would rather die their victim; I would rather be the degraded subject of a southern master, than to be a northern freeman without the power and the courage freely to speak my sentiments on every subject. It will be strange, indeed, said Mr. S., if there is any son of Ireland here, who, after having obtained his own emancipation by the abandonment of his country, will now take the part of the slave-holder against freeman. How many of the gallant sons of Erin have left their own country, because of its oppressions? And shall they come here as the advocates of tyranny? Who were the accused descendants of Cain, and whether they were black or white, it was not for him to determine: the domestic slavery of this country was the most disgraceful institution that the world had ever witnessed, under any form of government, in any age. This might be declamation, but he was proud to make use of it. He wished that he were the owner of every southern slave, that he might cast off the shackles from their limbs, and witness the first dance of their freedom.

Mr. PORTER, of Northampton, said that he had always been the friend of the black men; but he was not in favor of dealing out anathemas against the South for what they could not help. He said that when we are letting our sympathies run upon a portion of the black people of the South, we should not forget their condition in the land from which they came. He then related an anecdote of a gentleman who remarked upon the tendency of all benevolent objects to excess—that no good object was ever undertaken which the enemy of all mankind did not push to destruction by excess. He then went on to show that, had it not been for the mistaken zeal of those who press immediate abolition at all hazards, the States of Maryland and Virginia, before this time, have taken measures to abolish...
slavery within their borders. With regard to this petition, its printing will produce excitement, and be hailed by the abolition papers as evidence that Pennsylvania has entered the crusade against the South.

Mr. BROWN, of Phila. county, did not wish to be misunderstood—he would respect the right of petition as much as any delegate—it had been received and read without objection—it was now on the table, and there he would have it remain with all the other petitions for any member to examine; but he did not think it was entitled to any further notice at present. Mr. B. then replied to the assertion of Mr. Stevens, "that the slaves of the South were not protected by law, but held their life at the will of their masters;" and, at some length, gave an account of the laws protecting the slaves, and the favorable action of those laws, that fully and adequately secured them in "life and limb"—he referring to many cases that had occurred evidencing the strong tendency of the law in their favor. Mr. B. then took up the charges of Mr. Stevens against the people of the South for their "cruelty to their slaves," and proceeded for some time in a defence of their character for humanity and noble bearing, and spoke of the strong and enduring attachments that existed between master and slave—ties that no where else bound the laborer and the employer, and asserted that no happier people were anywhere to be found—that all the cry about their miserable condition and their unhappy disposition, was false and unfounded—that he had been for years mixing with them, and knew their situation well, and could bear testimony not only to their good treatment and happy condition, but to their general good character, very far above that of the free negroes of the North.

Mr. BROWN deprecated the evil effects which the fanatical course of the abolitionists have produced on the coloured population, exciting distrust, prejudice, and hostility to them; and, if persevered in, might be the cause of still deeper injury to them—it had already thrown them back fifty years. He then took a view of their history, of the superiority of the American over the African negro, of the government of St. Domingo, of the recent emancipation of the British West Indies, and said their fitness for self-government was but an experiment, and could not now be urged with safety upon them anywhere, much less in connection with the white race in this country, and particularly while a large portion of them were held in bondage in the United States, he looked upon it as a visionary and fatal dream. The attempt to abolish slavery at once was more than madness. He said if Mr. Stevens could do as he desired—set them all free in a moment, it would be the prelude to their destruction. Instead of witnessing, as he (Mr. S.) wished to witness, their first dance of freedom, it would be the dance of death. Mr. B. said we should be cautious—every friend of the negro race should be cautious, and not go too fast or too far. The negroes should be made fit to be free, and the country should be prepared for their freedom; and any attempt to excite the angry feelings of any portion of the people against their gradual improvement, would be inimical to their ultimate success, and he warned those who pretended to be their advocates to beware of the dangers that their rashness and mistaken zeal might bring upon this race of people. He (Mr. B.) was anxious for their welfare and protection; but he would not undertake to protect them from popular prejudice, if it should be raised by the wild attempts to place them in advance of popular opinion, or to give them an equality of privileges that would not and could not be guaranteed to them.

Mr. BIDDLE said: Sir, I consider the right of petitioning a privilege of great value, open alike to the greatest and the humblest; and none will, I trust, be excluded from approaching this body—assembled for the discharge of the most important duties—in respectful language. I shall vote for the printing of the memorial presented by the free colored citizens, as they call themselves, of Pittsburgh. But while I respect their feelings, and will maintain their rights, it was with regret that I heard any portion of the population of this Union denounced as Southern tyrants. We are citizens of a great, prosperous, and happy republic, consisting of many States, of diversified institutions, in some of which slavery exists, not by their voluntary act, but as a curse transmitted to them, from which they cannot, at once, free themselves. Our liberties were achieved in a united struggle by us as a band of brothers, led on by Washington, himself a slave-holder, and followed more closely or more gallantly by none, in the cause of freedom, than by southern men. Our Union and our cherished Constitution are the result of conciliation and compromise. I trust that no torch of discord will be thrown by us among any of our sister republics. I know no population more gallant, generous, or fonder lovers of freedom, than the Southerns. While I reprobate, and would never yield to, Southern interference in our domestic concerns, I would carefully shun any intrusion on their peculiar concerns, and especially on a question of immense magnitude, and involving fearful consequences. My prayer is, that our Union may last long—very long: and that no distracting topic may tear asunder the brotherhood cemented by the blood of our glorious ancestors poured out in a common cause.

Mr. HOPKINSON wished to treat this petition as all other petitions were treated: he should vote against the printing, because other petitions had not been printed. Two petitions had been printed on special motion: he was not in favor of including this among those of the favored ones.

Mr. McCABEN said that he differed with some of his colleagues: he should vote for the printing, and against the reference. He wished that this subject should be well understood by the people, as well as the members of the Convention, and on this ground he should vote for the printing.

The vote was then taken on referring the petition to the committee on the third article of the Constitution. It was negatived by the following vote:


CONVENTION PROCEEDINGS.

(Continued from Saturday.)

Heister, High, Hopkinson, Houp, Hyde, Jenks, Keim, Kerr, Königsmacher, Krebs, Long, Maclay, M'Cahen, M'Call, M'Sherry, Meredith, Merrill, Merkel, Montgomery, Nevin, Overfield, Pennypacker, Pollock, Porter of Lancaster, Purviance, Reigart, Ritter, Rogers, Russell, Saeger, Scott, Serrill, Shellito, Sill, Snively, Stevens, Stickel, Taggart, Thomas, Todd, Sergeant, President—55.

The vote was then taken, on laying it on the table, and ordering it to be printed, when it was agreed to by the following vote:

YEAS—Messrs. Agnew, Ayres, Baldwin, Barndollar, Barnitz, Bayne, Biddle, Carey, Chambers, Chancellor of Philadelphia, Chambers, Clark of Beaver, Clarke of Dauphin, Clarke of Indiana, Cochran, Copes, Cunningham, Darlington, Denny, Dickey, Dickerson, Dunlop, Farrelly, Forward, Fuller, Gilmore, Helfenstein, Heister, Jenkins, Kerr, Königsmacher, Long, M'Cahen, M'Call, M'Sherry, Meredith, Merrill, Merkel, Montgomery, Pennypacker, Pollock, Porter of Lancaster, Purviance, Reigart, Ritter, Saeger, Scott, Serrill, Sill, Snively, Stevens, Thomas, Todd, Young, Sergeant, President—56.


The committee then rose, and the Convention adjourned.

MONDAY, July 10, 1837.

Mr. CHANDLER, of Chester, presented a memorial from sundry citizens of Chester county, praying that the trial by jury be granted to every human being. Referred.

Mr. SERRILL presented a memorial of similar tenor from sundry citizens of Delaware county, which was referred.

Mr. MACLAY presented a memorial of similar tenor from sundry citizens of Mifflin county. Referred.

Mr. STEVENS presented a petition from sundry citizens of Philadelphia county of similar tenor. Referred.

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

WHEREAS the question of judicial tenure is one in which the people of this Commonwealth feel a deep interest, and it is of the highest importance that this Convention should express its opinion upon his subject before it adjourns—It is, therefore,

Resolved, That the offices of the judges of the supreme court ought to be limited to a term of years.

Resolved, That the offices of the judges of the several courts of common pleas, district courts, orphans' courts, and courts of quarter sessions and oyer and terminer, ought to be limited to a term of years.

Mr. FULLER called for the second reading and consideration of the resolution.

Mr. BAYNE asked the yeas and nays on the motion to consider.

Mr. HOPKINSON said he hoped the amendment would not prevail. The question was taken, and determined in the affirmative—yeas 71, nays 42, as follows:


Mr. PORTER, of Northampton, moved to amend the resolution by striking out all after the word "Resolved," and inserting the following:

"That the Convention will proceed to consider, in committee of the whole, the report on so much of the fifth article of the Constitution as relates to the tenure of judicial offices; and that so much of the report as relates to sections second, third, and fourth of that article, be the first order of the day, until they shall be gone through with.

Mr. FULLER said he hoped the amendment would not be agreed to, as we would not have time to go through with the report of the committee. The gentlemen must be aware that there could be no decision of the question in his motion. The people anxiously look-
ed to us for an expression of opinion on the subject of the judiciary, and the only way in which we could make such an expression was by resolution.

Mr. DICKEY said the amendments required of us were simple and few; and the amendment relating to the judiciary was one of them. He hoped we should proceed to act upon it. He was in favor of the amendment of the gentleman from Northampton; and to obviate the objection to it urged by the gentleman fromayette, he would move to amend the amendment by adding to it the following:

"And that so much of the resolution relative to adjournment, passed on the 7th instant, as fixes the time of adjournment on the 14th instant, and the time of meeting on the 17th of October next, be, and the same is, hereby rescinded."

Mr. EARLE asked whether the amendment to the amendment was in order?

The CHAIR said it was.

Mr. PORTER, of Northampton, said he had opposed the amendment, because a discussion of the resolution offered by the gentleman from Fayette would lead to no practical result. It presented merely an abstract principle; and after paying the remainder of the session upon it, the affirmation of it would not settle the tenure of the judiciary, while its negation would decide that the present tenure of good behaviour should be retained.

Mr. DICKEY spoke in favor of his amendment. He had no doubt that, if we went off, we should be able, long before the 1st of August, to accomplish all the people wished for. The Convention was now full, and its members were in good health; and the time was as favorable for considering and deciding this question, as any that we could have hereafter.

Mr. BROWN, of the county, took a view of the various topics which would command the attention of the Convention, and expressed the opinion that a month's further discussion would advance us very little. The time of adjournment, he apprehended, would not be changed; but he was in favor of passing upon the resolution of the gentleman from Fayette. We could express the opinion that the term of the office of the judges ought to be limited; this he believed a considerable majority were prepared to do when the Convention met, and he did think a single member had changed or would change his mind on the subject. There was some difference of opinion about the length of time; but when we return, that could be easily agreed upon.

Mr. JOHNSON said when the Convention, on Friday, determined that they would adjourn on the 14th, we were engaged in the discussion of the 8th article; and it was certainly the understanding that, if we did not adjourn, we should go on with that article. He reminded the Convention, that when the 8th article, was under consideration, it was proposed that it should be dropped, and the 9th article taken up. Then there was time, if the Convention chose, to go through with the judiciary question, and both our views upon it to the people; but the Convention decided that they would not proceed to the 9th article. At a subsequent time, the Convention had the choice between the 6th and the 9th article, and they determined to take up the 6th article, which was now under consideration, and in which but one important provision had been yet made.

But now, when the day of adjournment was fixed, and the members were in an uncertain state, and preparing to go home, this important subject was thrust upon us for a party decision. This was a novel and dangerous procedure.

One point of the 8th article was sung out, and without discussion or consideration, we were called upon to commit ourselves, by an expression of opinion upon it, to the destruction of all free deliberation and discussion. At a moment when our minds were set upon our homes and business, when many members were absent, and but three or four days left of the session, this important subject was brought up to be disposed of in this assassin-like manner.

Mr. FORER was unable to perceive any good reason for urging this question upon us, when we were within four days of the termination of the session. Four days' discussion on the subject of the judiciary and the judicial tenure! Was it possible that gentlemen would seriously think of rushing to a conclusion on this important question in four days? For what purpose was this proposed?

All the amendments must go to the people at the same time. The reform of the Constitution would not be hastened a single day by this course. The time reason offered in favor of it, was that it would give the people a taste of what we were going to do. But what good would this foretaste do to the people? Would they gain anything by it? When we reassembled, would not the discussion be renewed? And, if the ground was occupied now by a few who chance to get the floor, others must be allowed to follow at the next meeting. What good would a discussion do without a decision? Like the judge of Heli, were we to decide first and hear afterwards? Or was it intended to engage us with the previous question? In no other way could a decision be forced, unless we rescinded the resolution for adjournment. As it is now advised, he would not vote to change the tenure of the judges; but he suggested that many gentlemen might be willing to assent to fix a term for their service, if it was a term of twenty-five years. For his own part, his mind was open to conviction on this, as well as on other subjects; and it was not a question on which we could come to a satisfactory conclusion, without a full and free discussion. He did not think any thing would be gained by prolonging the session for a short time. The subjects of banks, corporations, the board of public works, education—all demand our attention, and would not be disposed of so as to enable us to adjourn, finally, for seven or eight weeks. But he would rather remain here till the middle of August and discuss this question, than be limited to a discussion of four days, and then be gagged by the previous question.

Mr. BANKS said that, to be consistent with his previous course in opposing the adjournment, he would vote for the amendment of the gentleman from Beaver. He had voted against the adjournment, because the people wished us to remain here till we had completed our business, by acting on all the amendments which it was proposed to submit to them. But while he would vote for the amendment of the gentleman from Beaver, he would assure that gentleman, that he would find it very difficult to persuade the majority of the members, that they, ought to continue the session till all the amendments were disposed of.

Mr. SILL said the ground upon which the resolution was brought
forward, was this: that the people had manifested an anxiety to have a decision on the judiciary question, and that they would be dissatisfied if the Convention should now adjourn without expressing any opinion on that subject. He wished to know how this information was derived: he wished to have the proof that so much anxiety was felt on this subject, and that the people wished us to hasten our action upon it, and show them how we intended to act. Was there a single position on the table expressive of their wishes to this effect? On other subjects they have expressed an opinion by memorials addressed to us: but not one memorial had reached us from any quarter in relation to this subject: not a single citizen of the commonwealth had set forth that he had been aggrieved by the action of the judiciary, and was impatient for reform.

Mr. S. spoke at considerable length in opposition to the resolution, contending that it was due to the people and to ourselves, that the decision on this subject should be made with that consideration and deliberation that its importance demanded.

Mr. DARLINGTON said, though the proposition now before us was only occupying time to no purpose, yet if gentlemen had offered any proposition which was calculated to expedite our business, and enable us to bring it to a satisfactory conclusion, he would have gone with them, even to the extent of rescinding the resolution for adjournment. This motion was only calculated to waste our time, and incur needless expenses. Twelve days ago, the gentleman from Fayette moved that we should pass over the fifth article and take up the sixth, for the reason, as he stated, that the people required and expected us to sustain the patronage of the Governor. It was then believed to be impracticable to decide on the judiciary question within such time as the members would be willing to remain here; and for that reason, and the reasons urged by the gentleman from Fayette, we passed over the fifth article, and took up the sixth, in order to show the people that we were willing to do as much as we could within the time we remained here. But what have we now? A proposition to drop that article in the middle, leaving it unfinished, and to take up the fifth article, which we refused to take up when we had time, to give a proper share of consideration. What a spectacle should we present if we now dropped the sixth article, and took up the judiciary question, when there were scarcely three days remaining for its discussion. Did not every gentleman know that much of our time would be taken up during the remainder of the session, in settling accounts, in fixing the place for meeting in the fall, and in other matters appertaining to the adjournment? The people would look at such conduct on our part as an attempt to flatter and fool them.

Mr. SELTZER said that the resolution and the amendment of the gentleman from Northampton, and the amendment of the gentleman from Beaver, were now before the Convention, and he would go hand in hand with the gentleman from Beaver in rescinding the resolution for adjournment, and in going on with our business, without adjournment, until we got through it. But in the manner in which he offered his proposition, it would not be successful; the original resolution ought to stand on its own merits, and if it cannot stand, let it fall.

But, Mr. President, the great opposition to the original resolution is something else. It is said that it does not come before the Conven-

He was against going into the committee of the whole on the subject of the judiciary, as there was not time to act upon it. He thought we went to work wrong, and had been working wrong all the time. If we had begun by settling principles, and then gone to details, we should now have got nearly through our labors. He was in favor of the proposition of the gentleman from Fayette, and he took it for granted that every gentleman here was prepared to vote 'aye' or 'no,' upon that proposition: the people had debated it for twenty years, and every man here had made up his mind upon it. The expense of the Convention had been again introduced into the discussion; but who, he asked, was the cause of the expenses? It was the protracted dis-
The Convention had established rules for the order and consideration of business, requiring reference to a committee of the whole of proposed amendments, which were to be reported to the Convention and then be read a second and a third time. This was for the purpose of securing proper consideration and reflection. The article in relation to the legislative and executive departments, was referred and considered under those rules, and protracted discussion allowed. But it was proposed to change the character and tenure of the judiciary department, by adopting a resolution to that effect, without giving to this important department of the government the attention and consideration that had been bestowed on others. The judiciary department was one of great interest to the people. It was the department that protected individual rights and the liberties of the citizen—maintained the public peace, and redressed public wrongs. If it is to be prostrated, he was unwilling that it should be done without discussion and debate. He said that the gentleman from Indiana (Mr. Clarke) had charged the conservatives with consuming time. He said that most of the time of this body had been consumed with the propositions of the gentleman from Indiana and his friends. The Daily Journal and Chronicle would show, that the many propositions of these gentlemen had occupied the greater portion of that time. Were the conservatives to be denied the poor privilege of expressing their opinions in opposition to proposed changes? And can it be considered, on our part, as an offence, and waste of time, that we voted against such propositions or amendments, which were rejected by a majority of the Convention?

Mr. MERRILL said that he was opposed to altering the time of adjournment. He thought it impossible to do any justice to the subject of the judiciary, should it be now taken up. It was not possible, he thought, for the people to know anything about the sentiments of the Convention, from the consideration of the resolution of the gentleman from Northampton. He was in favor of deliberation and discussion, and not hasty action on such a subject as this.

Mr. PORTER, of Northampton, said that the act of Assembly calling this Convention together, settled the question in reference to the resolution of the gentleman from Fayette. (Mr. Fuller.) That act says, that the Convention should submit its amendments to a vote of the people. The resolution is only an expression of opinion, and, if passed, nothing is submitted to the people. He then went into an argument to show the importance of an enlightened, honest, and independent judiciary, and declared that he was in favor of a tenure of good behavior, because the salaries were not sufficient to induce men of the best talent to leave their professions for a short time. The best lawyers were now unwilling to exchange the practice of their profession for the bench. With regard to the waste of time, which some gentlemen complained of, no more had been consumed than was to be expected from a body as large as the Convention. He believed that much valuable information had been gained by the discussion of the subjects which had been considered, and he hoped to have the benefit of the subjects which remained to be debated. He disapproved of the clamor which had been raised about the expense. The Conventions which revised the Constitutions of New York, Virginia, and even Delaware, consumed more time than had been spent on subjects which had received the action of this Convention. He believed that much valuable information had been gained by the discussion of the subjects which had been considered, and he hoped to have the benefit of the subjects which remained to be debated. He disapproved of the clamor which had been raised about the expense. The Conventions which revised the Constitutions of New York, Virginia, and even Delaware, consumed more time than had been spent on subjects which had received the action of this Convention. He thought that the judiciary article ought to receive due consideration. No country ever lost its liberty, or ever would lose its liberty, while the courts were free and independent. He then adverted to the history of England to show, that it was not until the judges submitted to the dictates of the populace, that bloodshed and anarchy ensued. It was one of the cases set forth in the Declaration of Independence, that the British king had made judges dependent on his will alone for the tenure of their offices. It made no difference, whether they were dependent on the will of a Monarch or a Governor. He was in favor of taking up the article on the judiciary, after the sixth article was disposed of; and if we did not get through it by Friday next, we could commence where we left off when we meet again.

Mr. KONIGMACHER moved that the resolution, together with the amendments, be indefinitely postponed.

Mr. DICKEY was in favor of rescinding the adjournment resolution. If we went into the judiciary article, every one ought to have the privilege of expressing his opinions, and spreading them before the people. He could not understand why there had been a change of opinion in reference to adjournment within a few days. The farmers, a few days ago, when a motion was made to adjourn, in conse-
quency of the wheat harvest, told the Convention that, since they had accepted the task from the people of revising the Constitution, they were determined to do their duty; and the reformers declared, that they would not vote to adjourn, but would leave their bones here rather than desert their posts, and leave the business half finished. Why was this change? He believed that the course of some gentlemen could be easily explained. They were afraid to submit their amendments in October next. They were afraid that the people would ratify them, and that an honest Governor would have the appointment of the judges. This may have been the cause why the change has come over these reformers, that they are ready to take their bones home rather than leave them here. He believed that it was a political manoeuvre of the Van Buren party, because they feared that if the amendments were ratified by the people in October, the appointments would not be confined to their party. He believed that this delay and unnecessary expense of an adjournment was the consequence of a hope, that, in 1838, they would have a Governor of their own. But let us remember that the people are not to be treated this way with impunity. The honest Governor would be re-elected, and the honor, interests, and credit of the Commonwealth will be sustained. He had heard it hinted that a Constitution, with the corporation and currency in it, would be sprung upon the Convention, and forced by the previous question through this body. This may also be the cause, and he warned the Convention against it. In conclusion, he hoped that the adjournment resolution would be rescinded, and that the amendments which the people called for would be agreed to, and submitted to the people in October next. There was no necessity of the expense of an extra session.

Mr. McCAHEN replied to Mr. Dickey. He was opposed to rescinding the resolution. He should vote against calling the previous question on a subject so important as this.

Mr. HETHERINGTON said that he had voted against all adjournments, but he should now vote against rescinding the resolution. The Convention seemed not to be in a proper situation to do business.

Mr. FORWARD said that one reason why the resolution should not be rescinded was, that no one now could receive the attention of delegates on any subject, or could give that consideration which was due to the important business before the Convention.

Mr. DUNLOP said he would be pleased if the Convention would agree to the motion for the postponement of the subject, as it was no time now to discuss a matter of so much importance. I am, said he, a man of business, and, so far as I am concerned, the gentleman's views on the subject are intelligible, and perfectly familiar to his constituents of Indiana. Why is it, sir, that Governor Guyer is the scape-goat of all the faults and errors of the gentleman and his friends? When a radical member introduces an ill-judged measure, the mischief must be saddled upon the Daily Chronicle, when the gentleman is rated about the expenses into which he and his party of reformers are plunging the State, he falls upon Guyer! Poor Guyer, like the helpless Scipio in Gil Blas, is flogged for every error, and blunder, and negligence of his master! Every letter which the nobleman's son learned, as we are informed by the immortal novelist, cost poor Scipio a most effectual drubbing; and so every speech with which the gentleman instructs the Convention, at the expense of the Commonwealth, costs poor Guyer a pummeling at his hands! If you tell the gentleman that his friends, the radicals, are costing their
follow citizens 8027 as the daily expenses of our Reform Convention, be forthwith falls on Guyer! If you argue that the cause pursued by himself or his friends is inconsistent with their professions, uncourteous to their opponents, and dangerous to the community, be- suits and behooves the Daily Chronicle! Pour Guyer! how inestimable would be his fate, were he not so placid and inexpressible! And how deplorable would be the situation of the gentleman from Indiana, if he had not Guyer to bear his blunders and his blows!

But, sir, the gentleman from Indiana, amidst his other vagaries, has wondered into charges against the conservatives of endeavoring to distract the attention of the Convention, from time to time, and to protract their proceedings. Who is meant as doing so, it is difficult to ascertain, as the conservatives are reduced to a very few. We have become nearly all reformers to a certain extent; but I presume the member means all those who do not exactly agree with himself, none else being of the truly accurate. Sir, the gentleman charges members with using improper means, of pursuing a cessible course with sinister motives to protract debate, and prevent final conclusion; and yet, at the same time, tells us he does not blame such conduct—that it is all fair and proper! To be deceptious, meets his entire approbation—does it? To act under false pretences, meets with his approbation! I do not understand such logic. Deceit, sir, is as unbecoming a gentleman here as elsewhere, however it may agree with the gentleman's morality to approve of it. Falsedough and fraud are as odious one place as another, however much some politicians may think to the contrary.

Mr. D's. further remarks were suspended by the hour of adjournment, and were not continued in the afternoon, owing to Mr. Porter's amendment being withdrawn.

The committee rose, and the Convention adjourned.

MOUNT AFTERNOON, JULY 10, 1837.

The vote was then on the motion of Mr. KONIGMACHER, to postpone the resolution indefinitely, when it was decided in the negative by the following vote:

YEAS—Messrs. Ayres, Baldwin, Barclay, Barnet, Bayne, Bell, Biddle, Brown of Lancaster, Carey, Chambers, Chandler of Philadelphia, Chauncey, Clark of Beaver, Cline, Cochran, Cope, Craig, Crum, Cunningham, Deyton, Farrell, Forward, Fry, Harris, Heister,Hopkinson, Hopp, Jenkins, Konigmaccher, Long, Macfay, M'Call, M'Sherry, Merrill, Pennypacker, Pollock, Porter of Lancaster, Porter of Northampton, Reigart, Russell, Sayer, Serrill, Still, Suively, Thomas, Todd, Young, Sergeant, President—44.


kel, Miller, Montgomery, Nevin, Overfield, Purviance, Read, Ritter, Ritter, Rogers, Sullens, Seltzer, Schaefer, Shellino, Smyth, Stieriger, Stichel, Swedland, Taggart, Weaver, Weidman, White—60.

The vote was then taken on the amendment of Mr. Dickey to strike out all after the word "Resolved," and insert—"That the resolution to adjourn on the 14th of July, instant, to meet again on the 17th of October next, be rescinded"—when it was decided in the negative by the following vote:

YEAS—Messrs. Agnew, Ayres, Banks, Barnsall, Barnitz, Bayne, Butler, Clark of Beaver, Clark of Dauphin, Cline, Cochran, Crum, Cunningham, Dickey, Dickerson, Donnell, Hayhurst, Heister, Hopkinson, Kerr, M'Sherry, Meredith, Merrill, M'skel, Montgomery, Purviance, Scott, Suively, Stieriger, Weidman, White, Sergeant, President—52.


Mr. PORTER, of Northampton, then withdrew his amendment, to go into the consideration of the fifth article.

Mr. DICEY then moved to amend the resolution of Mr. Fuller, by striking out all except the word "Resolved," and insert—"That the following amendments to the Constitution shall be submitted to the people of this Commonwealth, for their confirmation or rejection at the next general election, in the following manner: The amendments shall be submitted all together. The several inspectors appointed or chosen to conduct the next general election, shall, at the times and places of holding said election, receive written or printed tickets from the electors qualified to vote at said election, labelled on the outside, "Amendments," and containing on the inside, "For the amendments," or "Against the amendments;" and the votes thus given shall be counted and returned in the same manner as is now provided for in the case of votes for representatives—which said votes shall be opened, counted, and declared by the next General Assembly in joint Convention, on the third Wednesday of December next; and if a majority of all the votes thus given shall be "For the amendments," then these amendments shall become and be a part of the Constitution of this Commonwealth; otherwise they shall be void. The Secretary of the Commonwealth shall cause the amendments to be published in at least two newspapers in each county (containing so many) for at least two months before the election.

Amendments.

Art. I. After the sections second and tenth, so as to read as follows:
Sec. 2. The representatives shall be chosen annually by the citizens of Philadelphia, and of each county respectively, on the third Tuesday of October.

Sec. 10. The General Assembly shall meet on the first Tuesday of January in each year, unless sooner convened by the Governor, and shall adjourn on the first Thursday in April, unless continued in session by law for that purpose.

ARTICLE II OF THE CONSTITUTION. Alter section third to read as follows:

Sec. 3. The Governor shall hold his office during three years from the 3d Tuesday of January next ensuing his election, and shall not be capable of holding it longer than six in any term of nine years.

ARTICLE III OF THE CONSTITUTION. Alter section I, so as to read as follows:

Sec. 1. In elections by the citizens, every Freeman of the age of twenty-one years, having resided in the State one year, or if he had previously been a qualified elector, six months before the election, and within two years next before the election had paid a State or county tax, which shall have been assessed at least ten days next before the election, shall enjoy the rights of an elector. Provided. That freemen, citizens of the United States, having resided in the State as aforesaid, being between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes.

ARTICLE V. Alter section second to read as follows:

Sec. 2. The judges of the supreme court, of the several courts of common pleas, and of such other courts of record as are or shall be established by law, shall be nominated by the Governor, and by and with the consent of the Senate, appointed and commissioned by him. The judges of the supreme court shall hold their offices for the term of fifteen years, if they so long behave themselves well. The president judges of the several courts of common pleas, and of such other courts of record as are or shall be established by law, and all other judges required to be learned in the law, shall hold their offices for the term of ten years, if they so long behave themselves well. The associate judges of the court of common pleas shall hold their offices for the term of five years, if they so long behave themselves well. For every reasonable cause which shall not be sufficient ground for impeachment, &c. to the end of the existing section.

Alter section ten to read as follows:

Sec. 10. A competent number of the justices of the peace and aldermen, to be fixed by law, shall, in the several townships, boroughs, and wards of the several counties and cities of this Commonwealth, be elected by the qualified electors of representatives. They shall be commissioned by the Governor, and shall hold their offices for the term of five years; but may by him be removed on conviction of misbehavior, &c. to the end of the existing section.

ARTICLE VI OF THE CONSTITUTION. Alter it to read as follows:

Sec. 1. Sheriffs and coroners shall, at the times and places of election of representatives, be chosen by the citizens of each county. One person shall be chosen for each office, who shall be commissioned by the Governor. They shall hold their offices for three years, if they so long behave themselves well, and until a successor shall be chosen and qualified as aforesaid.

Add a new section, to be called section six, as follows:

Sec. 6. Prothonotaries and clerks of the several courts, (except the prothonotaries of the supreme court, who shall be appointed in the respective districts by the court for the term of three years, if they shall so long behave themselves well, and are not removed by the court,) recorders of deeds and registers of wills, shall, at the times and places of election of representatives, be elected by the citizens of each county, or the districts over which the jurisdiction of said courts extends, and shall be commissioned by the Governor. They shall hold their offices for three years, if they so long behave themselves well, and until their successors shall be duly qualified. The Legislature shall designate by law the number of persons in each county, who shall hold said offices, and how many and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by an appointment to be made by the Governor, to continue until the next general election, and until a successor shall be elected and qualified as aforesaid.

Add a new section, to be called section seven, as follows:

Sec. 7. Justices of the peace and aldermen shall be elected by the citizens of the several districts at the times and places of electing constables, and hold their office for five years, if they so long behave themselves well: the number in each district to be fixed by the Legislature.

Add a new article, to be called article X, as follows:

ARTICLE X. Sec. 1. The public debt of this Commonwealth shall never exceed the sum of thirty millions of dollars.

ARTICLE XI. Sec. 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if the same shall be agreed to by two-thirds of all the members elected to each house, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon; and the Secretary of the Commonwealth shall cause the same to be published, as soon as practicable, in at least one newspaper in every county in which a newspaper shall be published; and if, in the Legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each house, the Secretary of the Commonwealth shall cause the same again to be published in manner aforesaid, and such proposed amendment or amendments shall be submitted to the people at such time, at least three months distant, and in such manner as the Legislature shall prescribe: and if the people shall approve and ratify such amendment or amendments by a majority of the qualified voters of this State who shall vote thereon, such amendment or amendments shall become a part of the Constitution.

Resolved, That this Convention will now adjourn sine die.

Mr. BELL then moved to amend the amendment by striking out all but the word "Resolved," and inserting—
That this Convention resolve itself into the committee of the whole on the sixth article of the Constitution.

Mr. Dickey remarked that his amendment was the proposition of the gentleman from Adams, with the addition of the principle in the resolution of the gentleman from Fayette, relative to the judiciary. He wished that those who were in favor of reform would not vote for the proposition of the gentleman from Chester, and thus avoid a direct vote on the question. This would now test the sincerity of the friends of reform, whether conservative reform or radical reform.

Mr. Bell opposed the proposition of Mr. Dickey. He was not in favor of submitting propositions to the people, without they were first considered by the Convention. His amendment contained the propositions which, in a crude manner, had passed in committee of the whole, and which were permitted to pass, in the hope of putting them in shape on a second reading. He thought that propositions of this nature, approached very near to an insult to the Convention. He hoped that the gentleman’s motion had no reference to the election which was to take place in Beaver county. He thought that the passage of an amendment like that of Mr. Dickey, would draw upon the Convention the scorn of the people. He went into an argument to prove that the judiciary was a momentous question, and that it was highly improper to hastily consider it. In reference to the remarks of some gentlemen who said that they were ready to vote on the judiciary question, he observed that those gentlemen might be for they had never thought on the subject; but other gentlemen whose education and habits had led them to the study of the system, were not ready to rush on to the vote without consideration. He said that, in order to satisfy the people on the subject of executive patronage, the fifth article was passed over. Had it not been for the patronage of the Governor, the Convention would never have been called. The Convention had passed on that patronage in committee of the whole, and it was now proposed to mingle with the people and learn their sentiments. He should go against the proposition, because he considered it indecorous, and because we came here to consider and consult, and propose amendments to the people.

Mr. Reigart made some remarks on the subject, and in opposition to the adoption of the amendment offered by the gentleman from Beaver. He had no objection that those gentlemen who were so impatient to return home in pursuit of their respective interests, should be permitted to do so—but he would not sacrifice the public interests to their private wishes. He would not undertake to do, in a few hours, what would require the deliberate and careful consideration of this body for two months.

Mr. Stevens spoke in reply to the remarks of the gentleman from Chester and the gentleman from Lancaster, and insisted upon the propriety of the course which the gentleman from Beaver had proposed; while the contrary course would, he contended, plunge the Commonwealth into the useless expense of another six months’ session. There was nothing in that proposition which deserved to be denounced a crude or mis-shapen. Did it not contain all that we had done, and also the amendment which the radical reformers of this body, who claim to be the mouth-pieces of the people, said that they had made up their minds upon, before they came here? He was free to say that he had made up his mind upon the subject. He wished to preserve the independence of the judiciary; but he could not shut his eyes to the fact, that a large majority in this body were in favor of limiting the term of the judges. If he was not blind, there was a majority of twenty in this House for that amendment; and though he did not approve it, did it become him to say—“I know you will have it, but it shall cost the commonwealth a quarter of a million of dollars before you get it—the people shall pay dearly for it?” Mr. Stevens contended that every man here was as ready now to vote for the proposition, as he would be after another expensive session of six months. He might be rebuked again for alluding to the topic of expense; but he did not refer the expenses to any particular man or set of men. He supposed that if the conservatives—the ultra conservatives—had had their way, there would have been no expense at all; for they would not have had any Convention. No doubt those who made the proposition, and took part in the proceedings, created the expense.

Mr. Purviance said he rose to express his astonishment at the very singular proposition of the gentleman from Beaver. (Mr. Dickey,) and also to enter his protest against the repeated, stale, and worn out story of Conventional expenses. At an early stage of the session, (Mr. P.) had made repeated efforts to procure a conference of the friends of reform, for the purpose of bringing before the Convention something which would meet with the approbation of a majority of members, and, if possible, have it presented to the people at the ensuing October election. He expressed his surprise that, within three days of the adjournment, a proposition should have emanated from the gentleman from Beaver, (Mr. Dickey,) containing not even what had been passed upon by the committee of the whole, and that this should be done without any hope of obtaining a final vote, without first reconsidering the resolution of adjournment. He (Mr. P.) had voted against the adjournment, and also in favor of prolonging the session, until the duties assigned to the Convention should be finally disposed of; but when, by a vote of 80 to 40, the question of adjournment had been settled, he was at a loss to know the reason for introducing so singular a proposition with any hope of getting it through in three days. The proposition of the gentleman from Beaver (Mr. Dickey) is the same as that offered by the gentleman from Adams (Mr. Stevens) a few days since, except that the former embraces a provision in relation to judicial tenure, which was not in that of the latter. Now, why was not something of this kind done at an earlier period? Why have gentlemen, who have consumed day after day and week after week in the discussion of amendments never desired by the people, all at once, as if by magic, been brought to do what the honest friends of reform have been labouring assiduously to obtain since the first day of our meeting? Who introduced exciting topics into this Convention, which consumed half the time of its session, and thereby wasted the public time and money? The very gentlemen who are now complaining most of expense, and who are now about to vote for the loss of time consequent upon their unnecessary discussions. One of those gentlemen first introduced a proposition to limit the city and county representation to six members; and upon this, an excited and, I may add, a disgraceful discussion ensued.
CONVENTION PROCEEDINGS.

(Continued from Monday.)

which was premature and uncalled for, and occasioned great and unnecessary delay. Next came, from the same quarter, a proposition which wanted to disfranchise the members of the Convention; and this, like the others, produced a lengthy and extremely unpleasant debate. From the same quarter, we next have a proposition to elect inspectors of flour, pork, lazaretto physicians, &c. All done for the obvious purpose of consuming time, that an opportunity might be offered to follow it up by complaints of the daily expenses of the Convention. All the propositions referred to originated with the gentleman from Adams, (Mr. Stevens;) and, in their discussion, who participated more than the gentleman from Beaver, (Mr. Dickey.) The answer to this last inquiry will be found by an examination of the journal of our proceedings, where the eye will meet with that gentleman’s name on almost every page. After such great, and uncalled for, and inexcusable consumption of time by those two gentlemen, they complained of the expenses, and spread estimates of the daily cost of this body. Sir, (said Mr. Purvis,) I protest against any thing like trick or management, let it come from what quarter it may; and more particularly do I protest against these articles, coming as they do from those who are unfriendly to reform, and designed as they are to influence and excite public opinion against the amendments which will be presented to the people. What (said Mr. P.) are the daily expenses of this body? Less by two hundred dollars than those of the Legislature. What are our duties? Ten times more important than those of any Legislative body in the world. He (Mr. P.) would state for the information of the gentleman from Adams, (Mr. Stevens;) from Beaver, (Mr. Dickey;) and from Franklin, (Mr. Dunlop;) that this Convention had made one amendment, to wit: that of changing the time of meeting of the Legislature, which, of itself, would save to the people of Pennsylvania, annually, forty-five thousand dollars, and which, in ten years, would amount to nearly five hundred thousand dollars. He concluded by repeating, that the proposition of the gentleman from Beaver was what he (Mr. P.) had been endeavouring in the early stage of the Convention to bring about, but was arrested in his intention by the introduction of unnecessary propositions, in the discussion of which the gentlemen from Beaver (Mr. Dickey) and from Adams (Mr. Stevens;) had largely participated; and intimated to reference to the gentleman from Beaver, (Mr. Dickey,) that a change had come over the spirit of his desires, in consequence of the recent nomination of that gentleman for the Senate in Beaver county. He (Mr. P.) hoped that, in future, no gentleman would attempt to elevate himself at the expense of his fellow members, and that propositions would not, in future, be submitted for the sake alone of seeking popularity.

Mr. HOPKINSON rose and remarked upon the personal character that this discussion had taken, at which he expressed deep regret. He had hoped that gentlemen would return to their usual path, from which they had been drawn without the smallest prospect of any practical benefit, and to their usual courtesy and kindness of feeling, which, in this discussion, had been departed from. He expressed himself strongly and decidedly in opposition to the proposition of the gentleman from Beaver, and declared that if he stood alone here, he would never consent directly or indirectly to participate in destroying the independence of the judiciary.

Mr. Dickey defied the gentleman from Butler, or from Lancaster, to point to any act of his life, in which he had promoted his own interest at the expense of those of the public. He did not desire a final adjournment for the purpose of seeking an election to another office. If he had been nominated for any office, it was in his absence, and without any agency on his part. These might be other gentlemen whose desire to obtain a nomination might incline them to a temporary adjournment.

His constituents were in favour of reform, and he was, therefore, anxious to submit to them those propositions which had undergone the action of the committee, and would not probably be debated on a second reading. Why should not the gentleman from Butler be willing that the people should pass upon those propositions, which he himself was in favour of, and which he knew the people were in favour of, at the election in October next? This proposition contained nothing which the Convention had not acted upon, except the limitation to the amount of the state debt, and the alteration of the tenure of the judiciary. Upon those subjects, he did not wish to force a division without debate, and he, therefore, had offered a motion to rescind the resolution for adjournment. In a short time, they could be acted upon, and there was no good reason why the proposition should not be submitted to the people in October.

The committee rose, and the Convention adjourned.

REMARKS of Mr. SILL, in Convention, June 15, 1837, on the question of giving to the Senate the power of confirming or rejecting the nominations of the Governor.

Mr. SILL said that he could not say, as some gentlemen have done, that this was a question on which he had entertained no doubt. On the contrary, he had entertained much doubt and difficulty on the
subject, he had reflected much upon it, and had listened with great attention to all the arguments which had been submitted to the Convention on the subject.

As far as he had been able to learn the opinions of gentlemen in the Convention, there seemed to be a prevailing intention to give to the people the election of several officers, the appointment of which is now vested in the executive. This met his entire approbation. He thought that most of the offices, which were mainly of a ministerial or executive character, and did not involve the exercise of extensive discretionary or judicial powers, might, with propriety, be made elective by the people. Perhaps, if a state of society could be supposed to exist, when all the members that composed it were on a perfect equality in point of intelligence and influence, it might, in such cases, be expedient and proper that all appointments to office should emanate directly from the people. But as this was not, and probably never would be, the case, it was safer for the people themselves, that some offices, especially those of a judicial character, should not depend immediately on their election. For, if this were the case, there might be danger that those who exercised such offices might, in the discharge of them, favor those who had the most power and influence, thereby to promote or secure their own advancement, or, continuance in office. It therefore becomes necessary, and essential to the due and equal administration of justice, that such officers should be independent in the discharge of the duties of their offices—so much so, as not to leave a prospect of gaining more by conciliating the favor of the rich and powerful, than that of the humblest individual in society.

It therefore becomes necessary and proper to look to some other power as the source of appointment in offices of this kind. And here, the two modes of appointment are submitted for the consideration of the committee, one of which contemplates an appointment by the executive alone, the other by the executive, with the advice and consent of the Senate.

Which of these two modes presents the greatest advantages, and is least to the least objections?

In considering this subject, it will at once be admitted, that two requisites are indispensable to the proper exercise of the appointing power, viz.: a knowledge of the qualifications of the candidate for appointment, and a disposition to promote the welfare, and, as far as is consistent, gratify the wishes of the people who are to be affected thereby.

In considering this matter, it is further necessary to premise, that the power proposed to be given to the senate is not merely advisory; if it were, there could be no objection to it; but it is absolute in its nature, and controlling the acts of the Executive. The Executive might nominate; but, without the concurrence of the senate, no appointment could be made. The senate must, therefore, in this respect, be considered rather as an independent power, than as acting merely as the advisers of the Executive.

It is claimed by those who advocate the exercise of such a power by the senate, that, from their number and location, they could have a great advantage over the Executive, with respect to their knowledge of the candidate for appointment. In this opinion, I cannot concur. I admit that this may be correct, as applied to individuals in the senate; but not to the majority of that body, who alone are competent to act.

Suppose an appointment to be made from one of the counties in the western border of the State. The senator representing that district might have a better knowledge of the applicant than the Governor could have. But could this be said of the majority who constitute the will of that body? I think not.

The Governor may generally be supposed to have a general knowledge of the public and prominent men of the State at the time of his election. It will most commonly happen, that he will select from the public, men who have served in the Legislature, or in other situations which have afforded an opportunity for a general acquaintance with the people of the State. He will have a knowledge of every quarter of the State, and of some portion at least of its citizens. It will be his interest and his duty to extend and diffuse this information, and he will avail himself of all the means in his power to obtain a correct knowledge of the character and qualifications of the different candidates for office. To this he would be impelled by the strongest motives, as the welfare of the people and the success of his own administration would depend much on the fidelity with which this duty was discharged.

The same objections could not with propriety be applied to the Senate. The great majority might be total strangers to the character and qualifications of the applicant for office: they would not feel the same interest or the same responsibility in the matter as the executive, and might act with more indifference as to the effect the appointment might have upon the people.

But there was another consideration which was entitled to great weight. It is very desirable that appointments to office should not only be fitting and proper in themselves, but that they should, as far as practicable, conform to the wishes and opinions of the people who were to be immediately affected thereby. A due regard to this principle tended to secure the affections of the people, and promote the security and permanence of the government; and this consideration would be far more likely to have weight with the Executive, than with the Senate.

The Governor is the immediate representative and agent, not only of the whole State, but of every county and every portion of the State. The people, not only of the whole State, but of every county, look to him as the man to whom they have confided their dearest rights, and to whom they have entrusted the highest confidence. He is the man whom the people have delighted to honor. The strongest obligations of duty and of gratitude are thus imposed upon him to consult the wishes and promote the happiness of those who have thus confided in him.

How difficult is it in this respect with those who constitute a majority of the Senate? What connection have they with the people of any particular county that may be interested in an appointment? Where is the ligament or tie that binds and connects them in interest, or in feeling? Their interests, their views, and their feelings, may be totally dissimilar and distinct:—strangers to each other, with n
common bond of union, they are left open to the operation of other
considerations than the interests or wishes of the people.

It has been repeatedly stated by some gentlemen who are in favor of
the amendment, that there was much of bargain and sale, and trafficking
of votes, in Legislative bodies; and several resolutions have been
presented with a view of preventing such a course. If such practices
exist, what could prevent their operation in the votes given on nomi-
nations by the Executive? Members might have their particular fa-
vorites, and the gratification of their wishes in one case, might be the
condition of giving their vote in another. And thus, in a matter
which depended merely upon opinion, and which it would be diffic-
ult to regulate by any fixed rule, there would be great danger that
selfish motives and considerations, and not the welfare of the people,
might be the prevailing motives of action.

There is, also, another objection to the principle of this amend-
ment. There is no direct responsibility from a majority of the Sen-
ate to the people of any particular county, or portion of the State, that
may be affected by an appointment to office. Suppose an appoint-
ment to be made for the county of Erie: If it is unpopular, or odious,
or injurious to the interests of the people, there is an immediate
responsibility from the Governor to the people of that county. He is
their immediate representative and agent. He is elected, in part, by
their votes, and they have a right to claim from him a due regard for
their interests and welfare. Should they feel aggrieved, they have a
right to remonstrate; and he is bound to attend to their complaints.

But what responsibility is there from the senators of the eastern
and middle counties, who compose the great majority of that body,
to the people of the western counties? They are not their immediate
representatives, are not elected by their votes, and have no responsi-
bility to them. The people of their own districts would not be affected
by any improper appointments that might be made in any other por-
tion of the State; and they, themselves, might turn a deaf ear to any
complaint from those on whom they were not dependent for their po-
itical existence.

Why, then, should the controlling power of appointment be taken
from the Executive, who is the immediate representative of every
portion of the people, and given to a body, between a majority of
whom and the people of any one county, no relationship exists, and
no responsibility is acknowledged. There is no sufficient reason
for it.

A principle of this kind would operate to the injury and disadvan-
tage of the smaller counties. It was as important to the small coun-
ties as it was to the large ones, that their offices should be filled by
good appointments. But an arrangement of this kind would lessen
their relative weight and importance in those matters in which they
were immediately concerned. A small county might not have the
vote even of a single senator to represent their interests in that body.
A large county might be entitled to several votes, and the combina-
tion of a few large counties might have a controlling influence on ap-
pointments, made to the injury and detriment of the small counties.

The Senate of Pennsylvania, as constituted, is not intended, nor is
it adapted, to the discharge of any duties but those pertaining to legis-
lation. The introduction of this principle, involving the exercise of
new powers and the discharge of new duties, would be injurious to
the proper action of that body itself. It would withdraw its attention
from the proper duties of legislation, would prolong its sessions, and
disturb its deliberations by those intrigues and contentions, which
would grow out of the pretensions of rival candidates for office.

It has been urged that the patronage of the Executive is too exten-
sive, and that, if it were thus divided with the Senate, the evils occasion-
ated thereby would be done away, or greatly reduced.

There can be no doubt that the extent of the Executive patronage
is one of the greatest evils in our government, and more than any
other cause induced the calling of this Convention. Active partizans
and politicians were in the habit of claiming offices in the gift of the
Executive as a reward of political services.

It had been his fortune, some years since, to spend one winter at
the seat of government at a time when a new administration came
into power, and he had a full opportunity of observing the operation
of this principle. It occasioned such a struggle for office as he thought
incredible to the State and injurious to the community. He be-
lieved, however, that it was almost entirely the county offices which
occasioned so much contention, and he understood it to be the inten-
tion of the Convention to make these offices elective, which would,
in a great degree, remedy the evils complained of. But would this
evil be remedied by giving the Senate the power of confirming or re-
jecting nominations? He thought not. There would be no means of
coming before the Senate, but by the nomination of the executive. It
would then, as it now is, be necessary to obtain his favorable opinion
before an office could be obtained. The Senate of the United States
had the same power over the nomination of the President, and yet he
did not think that it tended to prevent the existence of the same evil
in presidential elections. It is probable that that provision in the
Constitution of the United States was what first suggested the idea of
weakening the same power in the Senate of Pennsylvania; and yet the
principles upon which the two governments are constituted are so
dissimilar, that the reasons in the one case do not at all operate in the
other. The Constitution of the United States was a work of compro-
mise, in which the Senate was so constituted as to give the small
States the same powers as the large States. In acting on nominations
to office, the small States had the same weight as the largest. The
State of Delaware, which had but one member of the House of Repre-
sentatives, had the same voice in the Senate as the State of Virginia,
which was entitled to twenty members. If, in this State, each county
was entitled to an equal number of Senators, the case would be more
applicable, and the operation of the principle would be more equal.
In every point of view he could see no good reason for the introduc-
tion of this principle into the Constitution of Pennsylvania, and should
vote against it.

TUESDAY, July 11, 1837.

Mr. COPE presented a petition from the society of Friends, ask-
ing relief from the payment of militia fines.

Mr. C. said: I have not occupied much time in making speeches
in the Convention, being rather desirous to improve by the wisdom
of others, than to be heard myself. But the Convention will excuse
I am not disposed to invite a discussion on the mooted question whether war is allowable to the Christian—but this I can say with sincerity, that the religious society of which I am a member, do most conscientiously believe, that war is inconsistent with the spirit of the Gospel. They cannot, therefore, bear arms.

The society of Friends originated in Great Britain a short time antecedent to the Commonwealth; during a period of great civil, political, and religious excitement, in which they suffered much for their principles, in property, in liberty, and in life. To escape from these scenes of tumult, and to enjoy those conscientious privileges which were denied to them in the country of their birth, William Penn and his associates fled to the wilds of America. They were preceded by the pilgrim fathers, who landed from the Mayflower on the rock at Plymouth, and who, escaping from persecution, nevertheless preserved the government in their own hands down to the Revolution. Our forefathers, like theirs, also fled from persecution; but they invited the persecuted of all nations to seek protection under their mild sway, and to participate with them equally in the blessings of civil, political, and religious liberty. They arrived, and, in process of time, becoming the most numerous, they assumed the government, and the reins fell from the hands of Friends.

But here permit me to remark, that, while in Massachusetts, populated by the descendants of the pilgrim fathers, it is now, and for half a century has been, sufficient for a Quaker to produce a certificate of membership, to exempt him from military services, and from all penalties for a non-compliance—while in Pennsylvania, founded by the society on the most liberal principles, designed to secure to all the enjoyment of the rights of conscience, in this land of Penn the Quaker has been deprived of his conscientious privileges! For many years the society suffered but little on account of their principles; but the revolutionary war at length broke out, and then commenced his sufferings. From that period to the present time, the members have had taken from them, property to the amount of between $300,000 and $400,000, and that from members of the Philadelphia yearly meeting alone—and there are at least seven other yearly meetings on this continent. What has been the amount of these exactions on them, I am not prepared to say, nor is it material here that I should say. Can any one tell what portion of this large sum has reached the public treasury? Not a tithe—not perhaps the tithing of a tithe.

But it is alleged that if the Quakers will not fight, they should pay an equivalent. Now, will any casuist here or elsewhere, tell me the difference between my shooting a man myself, and hiring another to shoot him? It is because Friends cannot perceive this difference that they seek relief at your hands.

But do not the members of the society render an equivalent? In the first place, they contribute equally with others to the public burdens. They pay their full share in support of the common poor, and the public schools; they join others in works of charity and public utility. They have not spared their money, nor their personal services in the erection of your hospitals, your libraries, the asylum for the deaf and dumb, for the blind, the orphans' asylum, widows' asylums, house of refuge, and other works of Christian benevolence. Well then, besides these, they educate and support their own poor exclusively. 'Tell me, which of you has known a Quaker to knock at your door for charity? It would not be allowed—the society would not permit it. To say nothing of their houses for worship and appendages scattered over town and country, and which may be valued at hundreds of thousands of dollars, I may mention the two institutions, lately established in the city, by the legacies of two individuals, for the relief of suffering humanity, costing upwards of $300,000 dollars. These institutions are not intended for the use of members of the society, but for persons of all other denominations—not that members have been excluded by the liberal donors, but because they are otherwise provided for.

I may next mention the asylum for the insane, established on a farm of seventy acres near Frankford, which, with the buildings, cost $75,000 dollars. This asylum is open to persons of all societies, and I sought, perhaps, in justice to the physicians and others who have the immediate supervision of it, to say that no similar institution, within my knowledge, either in this or in any other country, has been more successful in the cure of that dreadful malady, as the records of the asylum will fully prove.

Next is Westtown school and farm of 600 acres, situated about 18 miles from the city. The land was purchased low, and, with the buildings, cost between 70 and 80,000 dollars. About two hundred children, of both sexes, receive here a good education, and such as choose may acquire a knowledge of the learned languages. Then we have Haverford school, on a farm of about 200 acres, eight miles from Philadelphia, in which between 70 and 80 boys receive an education, believed to be equal to that taught in any of the best colleges in America. This school was chartered by the Legislature of Pennsylvania, with a capital of 100,000 dollars.

We now arrive at the city itself—there the society have about 20 schools, two or three of which are exclusively appropriated to the children of their own members—all the rest are open to persons of every denomination. In these schools, from 120 to 130 children are taught gratis, and the charge for others is kept purposely so low, as to enable citizens, in moderate circumstances, to educate their children without the appearance of receiving charity.

Now, I have not made this enumeration with ostentatious views, but simply for the purpose of saying, that while the society contributes equally with others in the common expenses, and while the Legislature of the state has appropriated large sums, and very properly so, to the endowment and support of colleges and other useful institutions, from which the society receives no benefit, the public has not, in any shape or form, contributed one cent towards any of the institutions mentioned by me, nor a cent to the support or education of a single member of the society of Friends—nor indeed have they ever asked it.

Have I not, then, made out my case? Have not the Quakers paid an ample equivalent for not mustering two or three times a year, to march through the streets for the amusement of our children? But it is not merely the pecuniary exactions of which the society has reason to complain; it is the insulting—may I not say brutal manner in which
Mr. DUNLOP spoke at length in opposition to the motion to commit, and in support of the resolution. In regard to the stenographers, he had, said, given them work enough, having kept them busy from six in the morning till six at night. When the Legislature authorized us to employ a competent stenographer, they did not contemplate the probability of our holding two sessions a day, and making six thousand eight hundred and eleven speeches. The debates, as far as they had gone, would, as he had been informed, make nearly two thousand pages royal octavo; and, at the next session, we should make speeches enough to fill three or four volumes more. What was the use of this voluminous collection of speeches? Who would ever read them? For his own part, he did not think it worth while to put the State to the expense of publishing his speeches. He did not care whether they were heard of again. The great expense of those books might, he thought, as well be saved. The people would never look into them for information concerning our proceedings. We were now getting along very well. If gentlemen will only let the delegate from Beaver have his way, he will make us a Constitution that will last forever, and there will be no necessity for spreading our debates before the public. His object was to abate our expenses as much as possible: As to the officers named in the resolution, they are wholly unnecessary, and might be dispensed with without any inconvenience.

Mr. FRY said if the resolution was not referred to the committee according to his motion, he would move to amend it by substituting for it a provision for the discontinuance of the Daily Chronicle.

Mr. STERIGERE said it struck him as a strange proposition to discontinue the publication of the debates, after going so far in them. As the amendments were to be submitted to the people, perhaps a year hence, instead of being submitted in October next, as was at one time contemplated, there was increased reason for continuing the publication of the debates, in order that our proceedings might go before the people in a complete form.

Mr. HEISTER made a few remarks in favor of retaining the stenographers; but he thought that some of the officers might be dispensed with. The sergeant-at-arms was unnecessary; for we had no power to compel the attendance of members.

Mr. FORWARD asked when the committee on the expenses of the Convention would report.

Mr. FRY said that he would report to-morrow.

Mr. M'DOWELL said he wished to say a word upon this subject: it was of very serious import, and he felt directly and deeply interested in it. The gentleman from Franklin (Mr. Dunlop) was the last man in the world whom he should suspect of cruelty towards his fellow man; but he did deem his motion to cut off the stenographers from this Convention an act of great unkindness towards those members who had not yet made any or all of their speeches. Who would wish to deprive the world of the benefit, or ourselves the edification, of hereafter reading our speeches? Will not future generations be enlightened by them? And will you shut out that light for so paltry economical considerations? It was not fair play in gentlemen who have made
some hundreds of speeches, and after they had “ spun their yarn,” to say stenographers were of no use. Sir, who would make a speech if it was not printed? Doesn’t every body know that most of the speeches made here, and which charm and delight us, are not made for this Convention at all? Are they not made for Bankam? Why, all the boys in the country know that they are made for them; they are for Franklin, for Adams, Bucks, Tioga, and many other little places that nobody cares any thing about, except the people who live there. And shall we be told by the gentleman from Franklin, that it is of no use to print those speeches—especially after his were all delivered? The gentleman was greatly mistaken: he did not properly appreciate those that were yet to come. He thought the talent was exhausted; but no such thing. He said he cautioned members against the adoption of any such an idea. There were powers in this Convention that had not been heard of, that would yet surprise us, and he was afraid would alarm themselves. It must not be thought, because men said nothing, that they knew nothing—far from it. Wait until some chance circumstance shall knock up the slumbering fires of these quiet heads, and this Convention would be astonished! And shall not all these things be printed? Where is the use of delivering a speech here, which is not intended for this Convention, unless it is printed? How is it to get down to posterity? Sir, said he, every thing that is said and done must be taken down and printed: we must have it to amend our children and grand-children with, and to show them what pious men their fathers and grandfathers were. It would be a “little book,” where they could wonder at and admire their ancestors when they were dead and gone. It would serve the purpose of a looking glass, where posterity might learn from reflection to avoid the follies of those who had preceded them. Useful and wholesome lessons might be taught by contrasting the speech of A with the speech of B, and enjoining the youthful mind to avoid the one and imitate the other. And are these speeches, fraught with so much good to the present and the coming generation, not to be printed? Sir, said he, it is outrageous! When other republics grow up, and other States amend their Constitutions, is the glare of light which is shed in this Convention to be shut out from them? How were you to perpetuate the names and the fame of your Smiley’s, your Finley’s, and Mc‘Kearns, and the host of other illustrious men of this body, (he wished he could name them, but it was not parliamentary to do so—he had them in his eye,) unless you did it through the stenographers and the press? Sir, when our Constitution is once amended, (and adopted by the people,) it will not be touched again for one hundred years; and unless our speeches are printed, we shall be forgotten. Will not we be spoken of in the Convention that assembles in the next generation, as those great men have been spoken of in this body who formed the present Constitution? Will not we then be the illustrious forerunners? And is such immortality to be thrown away for fear of a little expense?

He protested against the motion of the gentleman from Franklin, because it was unfair. If that gentleman and many others had made some two or three hundred speeches a piece, were modest gentlemen like himself to be punished for their modesty? He hoped not. He said he gave fair notice that he had several hundred speeches yet to deliver: he was going to prepare them in the interim of the adjournment. And he gave further notice, that if his speeches were not to be taken down and printed, he would not deliver one of them—no, not one. Out of sheer revenge he would withhold them. Who would make a speech and not have it printed?

He said a constitutional difficulty had been raised by the gentleman from Franklin. He believed it was constitutional—perhaps it was legal—he was certain it was one or the other. The act of assembly provides that the Convention shall (or may) employ “a competent stenographer,” and instead of following the act, we had employed four stenographers, who were all competent. Here was the point, and a nice one it was. The difficulty was to get rid of it. It was a grave question of construction. He thought it could be got over. He would advise the committee, if the proposition was referred to them, to make a new bargain—to employ but one stenographer—give him the wages that they all now get—and let him pay his assistants. He did not know, but he thought that would save the act.

Mr. DUNLOP assented to the reference of the resolution, and it was referred.

Seventh Article.

Mr. CHANDLER, of Philadelphia, from the minority of the committee on the 7th article, made the following report, which was read, laid on the table, and ordered to be printed:

The undersigned, a minority of the committee appointed on the 7th article of the Constitution, respectfully report—

That, in their opinion, there should be an additional section to the said article, with the following proviso, viz:—

In order to advance the cause of education, and secure the most advantageous expenditure of the moneys appropriated to that object, there shall be established by law a board of public education, to be composed of one or more commissioners, to be elected by the Legislature, who shall have the care and management of the public funds appropriated by law to that object, together with the superintendence of common schools, and such other public seminaries of learning as may be established by law throughout the State.

JOSEPH R. CHANDLER,
THOMAS H. SILL,
GEO. W. RITER,
JAMES POLLOCK.

Mr. BEIGART moved that the Convention proceed to the consideration of the report of the committee on the 6th article of the Constitution.

After some conversation on the order of proceeding,

Mr. Dickey moved to postpone the order of the day, for the purpose of resuming the consideration of the resolution heretofore offered by Mr. Fuller, declaring that the judges ought to be appointed for a limited term, together with the amendments pending thereon.

The question was taken, and resulted in the following vote:—yeas 37, nays 27:


So, the motion was not agreed to.

The question being on proceeding to the consideration of the 6th article,

Mr. M'CAHEn called for the yeas and nays, and the question was taken, and decided in the affirmative—yeas 90, nays 11, as follows:


Sixth Article.

The Convention then resolved itself into the committee of the whole. Mr. CHAMBERS in the chair, on the sixth article of the Constitution.

The question being on agreeing to the report, in relation to the fifth section of the article, as amended on the motion of Mr. FULLER,

Mr. READ said he had voted for this amendment very reluctantly, and he now moved to reconsider the vote by which it was adopted.

When he voted for it, he felt compelled, under the rules as enforced by the Chair, to decide between that and another more objectionable proposition. When he found that his appeal from the decision of the Chair could not be sustained, he was obliged to take one or the other of the propositions, though he disapproved of both.

He did not know at the time that other gentlemen had voted under the same circumstances, and perhaps a sufficient number to change the majority. If the motion to reconsider should prevail, and the amendment of the gentleman from Fayette be rejected, he would then offer the following as a substitute for it: "The aldermen and justices of the peace shall be elected for five years; and, unless otherwise directed by law, there shall be one for each district. The justices shall be elected at the same time with the constables, and the aldermen with the assessors."

Mr. FULLER opposed the motion, and also the proposition which the gentleman had brought to the view of the committee. It contained a principle directly opposite to the amendment which had been adopted. It says to the people, you are not competent to judge what number of justices you need. If the committee were prepared to change their minds, and to reject the principle which they had adopted after due deliberation and debate, they would do so. But he did not believe that the committee would change their mind. The system of directing the number by law would lead to great embarrassment and inconveniences.

Mr. MERRILL hoped the proposition of the gentleman from Susquehanna would not be agreed to. He was in favor of leaving it to the people to decide how many justices they should have. He was not in favor of multiplying the number of justices, but in some towns it was necessary to have two or more.

Mr. DARLINGTON was in favor of the reconsideration. He doubted whether the amendment of the gentleman from Fayette would serve to limit the number. Some would be in favor of one candidate, and others of another. There might be several candidates, and the people would be induced to elect them all, as the readiest means of settling the dispute.

Mr. SMYTH said that he preferred the amendment of the gentleman from Susquehanna (Mr. Fuller) to that of the gentleman from Susquehanna. (Mr. Read.) His reasons were that there were very few townships in which two justices were not wanted. If the amendment of the gentleman from Susquehanna was adopted, application would have to be made to the Legislature before a township could elect such officers as they want.

Mr. DARLINGTON hoped that the vote on the sixth section would be reconsidered. It could do no harm. Propositions could then be submitted, which, he believed, would be better than either the article, as passed, or the amendment. There had been an attempt to limit the number; but, instead of a limitation, there would now be an increase of justices. The gentleman says that the people are the best judges. On the same principle, the people would be better judges than the courts how many tavern keepers are wanted in a township, and tavern keepers should be elected by the people. The morals of the people require that the courts should limit the number of tavern keepers, and the morals of the people require that the number of justices of the peace should be limited.

Mr. AYRES said that he voted against the report, as amended, because he then had difficulties in relation to it. It seemed to him impracticable for the people to fix the number, unless it was regulated
by law, and the Constitution made no rule for taking the sense of the people on the subject. There was another difficulty with him, and that was the jurisdiction. Was it intended to elect justices by the township, and that their jurisdiction should extend all over the county? If it was, it would violate the elective principle.

Mr. READ said that if he understood the proposition of the gentleman from Fayette, it would require the people to hold two elections—one to determine the number, and the other to elect them. This he considered unnecessary trouble. He offered this proposition, in consequence of having been spoken to by several gentlemen who voted for the proposition, not because they preferred it, but because they supposed it was a question between the report of the committee and the old Constitution.

Mr. DUNLOP opposed the reconsideration. He then went into an argument against continuing the jurisdiction of justices of the peace to the districts in which they are elected. He thought that they would favor their constituents. It justices are elected by the people, there was no reason why they should not say how many they want.

Mr. BELL said that he was opposed to the election of justices of the peace by the people, and in favor of their appointment by the Governor; but as there was a large majority of the Convention in favor of their election, the only question was to carry out the details of the principle. He was in favor of the proposition of the gentleman from Susquehanna, because it left it to the Legislature to fix their number. He considered the Legislature better qualified to carry out the details than any other power. The amendment of that gentleman was more simple, and simplicity ought to be consulted in forming the fundamental law of the land.

The vote being taken, it was agreed to reconsider, 48 voting in the affirmative, and 28 in the negative.

Mr. FRY moved to amend the report of the committee, by restricting the number of justices to three in each township.

Mr. FRY said he was in favor of giving to the people all the powers they can conveniently exercise. The amendment which he had offered afforded a rule founded upon a principle of equality in the number.

Mr. STICKEL said that he did not think that it was necessary to trouble the Legislature with this subject. He thought that the people of the townships could elect their own justices. There were always men of sense enough to manage their own local matters.

The motion of Mr. Fry was lost.

Mr. BROWN, of Phi[...](rest of the text is cut off)
CONVENTION PROCEEDINGS

ERRATUM.

In the "Daily Chronicle and Convention Journal" of the 8th instant, the name of Mr. MACAY is inserted among the names, on the question of printing the memorial of the free people of color of Pittsburgh, when he voted in the affirmative.

(Continued from Tuesday.)

"Aldermen and justices of the peace shall be elected in the several wards, townships, and boroughs, for a term of years. Until the number shall be otherwise directed by law, one person shall be elected in each ward, borough, and township. Aldermen shall be elected at the time of election of assessors; justices shall be elected at the time of election of constables."

Mr. KONIGMACHER then moved to amend the amendment of Mr. Read, by striking it out, and inserting:

"The Governor shall appoint such number of justices of the peace and aldermen in the respective townships, wards, and boroughs, as are or shall be directed by law. They shall be commissioned for the term of seven years; but may be removed on conviction of misbehavior in office, or of any infamous crime, or on the address of both Houses of the Legislature."

The committee then rose, and obtained leave to sit again to-morrow.

Mr. OVERFIELD then moved that when the Convention adjourned it will adjourn to meet again to-morrow morning at 9 o'clock, and that the afternoon sessions be dispensed with for the remainder of the session.

The above motion was agreed to; when the Convention adjourned.

WEDNESDAY, July 13, 1837.

The PRESIDENT presented a communication from the Common Council of the city of Philadelphia, offering for the use of the Convention the Hall of Independence in that city, or such other public hall in that city as they may prefer, and offering to fit up the house for the accommodation of the Convention at their own expense. Read and referred to the select committee appointed under the resolution of the 8th instant.

Mr. PORTER, of Northampton, from the committee appointed to inquire into the expediency of making arrangements for discontinuing the Daily Chronicle and Convention Journal, and to inquire what other expenses (if any) of the Convention ought to be curtailed; and to whom was also referred the resolution offered yesterday, on the subject of dispensing with the stenographers, the assistant doorkeepers, and the sergeant-at-arms, at the next session of this body, report:

That they have had the subject under consideration; that they necessarily divide themselves into two heads.

First, An inquiry into whether there is any needless expense incurred by this body for contingencies, or in payment of unnecessary officers—and:

Secondly, Whether any such expense is incurred in relation to taking down the debates and the printing of this body.

As to the first of these, it appears that this body elected or appointed by resolution, shortly after the commencement of its labors, two secretaries and two assistant secretaries, a sergeant-at-arms and assistant sergeant-at-arms, a door-keeper and assistant door-keeper. That, subsequently, the secretaries employed two additional clerks to aid them in their labors, and who were discharged after the hurry of the business, which had required their employment, had passed; and that the door-keeper employed four assistants, and two boys as messengers. The former of these were found necessary, and were kept in constant employment in the folding of documents and journals, &c. and in attending to other necessary labors in and about the Convention. The two boys employed as messengers have been found necessary in the hall during the sessions of this body, and could not well have been dispensed with.

The labors of so many officers may not, however, as the deliberations of this body progress, be found necessary, and the committee recommend that the further services of the assistant secretaries, the sergeant-at-arms, assistant sergeant-at-arms, door-keepers, assistant door-keepers, and messengers, be dispensed with, from and after the 14th instant; and that this body, will, on reassembling, determine whether any and, if any, which of those officers shall be required.

As to the second branch of inquiry, the expenses of printing the debates and the printing generally, but more particularly the expense of printing and distributing the Daily Chronicle,

The Legislature felt the necessity of having an adequate supply of
the debates of this body, and they ordered the employment of a competent stenographer for the purpose. This necessarily embraced the employment of such assistants to the person so employed, as would enable him to take down and write out the debates for publication within a reasonable time. The wisdom of the Legislature, in making provision for a report of the debates, is manifest from the aversity with which works of this kind are shunned after by all who are desirous of informing themselves in relation to constitutional law, and the loss and difficulty under which this body and their constituents labor for want of the views and feelings of the members of the Convention of 1790: a correct register of the debates of that body, if they could be had, would tend much to enlighten and inform the members of this body. For, of the great and good men who were then assembled, but three yet survive—James Ross, Albert Gallatin, and Thomas Bull; and of the doings of that body, no record remains, save their journals and the fleeting reminiscences of the few citizens who may have witness'd their proceedings, and are yet on the stage of action. The great object in having the debates taken and published, is to have the views of the members reported with accuracy. There are few men capable of doing this, and consequently, when found, they require and ought to receive a fair and full compensation for their labors. The gentleman in charge of the reporting, has a known and established character for capacity in the line of his profession; and the committee are of opinion that, under the provisions of the act of assembly authorizing the assembling of this body, this service could not, and, if they could, ought not to be dispensed with.

The next branch of inquiry in relation to this subject, is the subscription to the Daily Chronicle, and the distribution thereof. The subscription was made under the following resolution of this body, passed on the 11th day of May last: "Resolved, That the secretaries be directed to pay as part of the expenses of this Convention, the cost of two thousand seven hundred copies of the Daily Chronicle and Convention Journal in the English language, and one thousand copies in the German language, to be furnished during the sitting of this body, and to be divided among the members for distribution among their constituents."

In pursuance of this resolution, the committee agreed with the publisher of that work for two thousand seven hundred copies in English, to be furnished daily at seventy-five cents per month; and for one thousand in German, to be published daily at one dollar per copy per month. Thus far the editor has published a sheet daily, containing nothing but the proceedings of this body, and the observations of the members on the various subjects under discussion. There has been published, most generally, abstracts of the debates rather than full reports, and such was intended to be the course when the subscription was made. The work is about as accurate as works of the kind usually are.

The publisher of the paper states that relying on the faith of this body, he has gone to considerable expense in order to supply the want of assistants on his part; and, having done so, is unwilling to forego the advantage which he may derive from its continuance. Ought this body to put an end to this contract? Morally we have no right to do so without the consent of the other contracting party, unless such party has, by his own act, authorized its rescission; for if contracts bind individuals, and they are compelled by law to comply with them, it would be out of all character, for the body convened to establish the fundamental law of the land, to assume an arbitrary power of violating a solemn compact with an individual. It might be that the individual could have no legal redress, and that would only point out the greater grossness of the act. The effect of such an example on the community could scarcely be anticipated; and not willing to entail on this body a character far worse than Punic faith, your committee are not willing to recommend any such course, more especially as the public money is well laid out in relation to this subject. It enables the delegates to keep their constituents day by day apprized of all their doings. It tends to enlighten, inform, and instruct the good people of this great and growing commonwealth in the principles of constitutional law. It calls their attention to the principles of government, and will enable them at the close of our labours to come to a correct conclusion as to the result of our deliberations, so as to vote intelligently and understandingly on the question of adopting or rejecting the amendments we may propose. It is, in fact, day by day rendering to those who sent us hither an account of the manner in which we have executed the trust committed to our charge. Your committee cannot conceive that any reasonable amount of expense would be too great for such a purpose, or that money can be well mis-spent, which tends to disseminate accurate information among the public in relation to the great and important principles on which the government of our country depends. Believing, as they do, that the people have a right to be kept well advised of all that is done, and that, as the subscription has been made and the expense incurred solely for the benefit of the public, and not for the benefit of the individual members of this body, and as all the information received shows that the intelligence thus communicated is sought for with avidity, your committee would not recommend a discontinuance of the subscription, even had they the power to do so.

Should the reporters for this paper and the editor, however, prostitute it to party purposes, or make it the vehicle for partial representations of the doings of this body, it would be our right and our duty at once to discontinue it, for it was only taken upon the express condition, that equal and exact justice should be done to the views of all the members.

The committee recommend the adoption of the following resolutions:

Resolved, That the services of the assistant secretaries, sergeant-at-arms, door-keeper, assistant sergeant-at-arms, assistant door-keeper, and messengers, be dispensed with after the fourteenth instant.

Resolved, That the committee be discharged from the further consideration of the other subjects referred to them.

The report and resolutions were laid on the table for the present.
tion of the sixth instant, requiring them to inquire into the expediency of discontinuing the Daily Chronicle, and also what other expenses ought to be curtailed, report:

That they have had the subject under consideration, and recommend the following resolutions for the adoption of the Convention:

Resolved. That the Daily Chronicle be discontinued after the present session.

Resolved. That the secretaries are directed to request the different printers, to whom six months' subscription has been paid for their papers, that they be discontinued until the seventeenth of October.

Resolved. That the two assistant secretaries be discharged.

Resolved. That the sergeant-at-arms, and door-keepers, and their assistants, be discontinued.

Resolved. That the two boys employed as carriers, or runners, be discharged.

JOSEPH FRY, Jr.

Mr. CLARKE, of Dauphin, presented a communication from the commissioners of the county of Dauphin, and the authorities of the borough of Harrisburg, tendering the court house for the sessions of the Convention; and a further communication from the vestry of the German Reformed Church, offering that building for the accommodation of the Convention. Referred to the select committee on the subject of the place of meeting.

Mr. CHANDLER, of Chester, presented a petition from sundry citizens of Allegheny county, praying the extension of the trial by jury to every human being in this Commonwealth. Referred.

Mr. BALDWIN presented a similar petition from sundry citizens of Philadelphia. Referred.

Mr. MONTGOMERY presented a similar petition from sundry citizens of the Commonwealth. Referred.

Mr. CHANDLER, of Philadelphia, offered the following resolutions:

Resolved. That the stenographer of this Convention be directed to prepare an index for each volume of the debates. Agreed to.

Mr. CLARKE, of Dauphin, offered a resolution for the compensation of the librarian, for his services during the session. Referred to the committee on accounts.

Mr. COPE, from the committee on accounts, reported resolutions for the payment of the binders of the English and German debates, and the publisher of the Daily Chronicle.

After some conversation, in which Messrs. STERIGERE and HAYHURST took part, the resolutions making appropriations for the binding of the debates was agreed to.

The question being on the resolution for paying E. Guyer six thousand five hundred dollars, as the amount of the subscription to the Daily Chronicle,

Mr. INGERSOLL asked the yeas and nays. He had, he said, voted against this business from the first, and he wished to vote against it at the last.

Mr. STEVENS was glad, he said, that the yeas and nays had been called. The question was now, whether it was expedient to make a contract, but whether a contract made by a constitutional majority of the Convention should be fulfilled—whether, in fact, all kinds of contracts were to be violated with impunity or not.

After a few words from Messrs. STERIGERE, M'SHERRY, HAYHURST, FORWARD and FULLER, in favour of the resolution,

Mr. STERIGERE moved to amend the resolution, so as to direct that the committee on accounts ascertain and report what sum will be due to E. Guyer at the end of the present session.

Mr. COPE said it would be impossible for the committee to come nearer to the sum due to Mr. Guyer than they have done, as the work was still going on.

Mr. STERIGERE withdrew the motion.

The question being taken on the resolution, it was decided in the affirmative—yeas 114, nays 1, as follows:


NAY—Mr. INGERSOLL—one!

So, the resolution was agreed to.

Mr. BELL, from the select committee appointed to make inquiries and report in relation to an eligible place for the meeting of the Convention in October next, made a report in favor of meeting in Philadelphia.

Mr. CLARKE, of Dauphin, moved to amend the resolution by substituting the following:

Resolved. That this Convention reassemble in the Capitol on the 16th day of October next.

Mr. STEVENS moved to amend the amendment, so as to rescind that part of the resolution of the 7th instant, which directs that the Convention shall reassemble on the 16th of October, and provide that the Convention shall meet on the 12th of April.

Mr. STERIGERE said we ought not to consider this report until the committee had considered the communications to-day made to us from the commissioners of the county of Dauphin. He moved the postponement of the subject till to-morrow.

Mr. READ urged the postponement on the ground that it would
lead to a protracted debate, and prevent us from considering the
question pending in relation to the justice of the peace, which it was
highly important to dispose of before the adjournment.

Mr. DUNLOP opposed the postponement. So far as regarded the
consideration of the motion of the gentleman from Adams, it was not
connected with the place of meeting; and it was a question which
ought to be disposed of while there was time for it. As to the place
of meeting, we had all the necessary information before us, and no
postponement was necessary on that account.

Mr. SCOTT, of Philadelphia, said the Convention had all the in-
formation before them that was necessary in regard to the place of
meeting: as at present advised, he thought our alternative was between
reassembling here in the spring, and meeting in Philadelphia in the
fall.

Mr. KERR opposed the postponement. He did not think it ad-
visable to act any farther, at this time, on the question referred to by
the gentleman from Susquehanna.

The question being on the motion of Mr. Stevens to amend the
amendment, so as to direct that the Convention shall assemble on
the 12th day of April, and that so much of the resolution of the 8th
inst. as directs that the Convention shall meet again on the 10th of
October, be rescinded.

Mr. EARLE asked the yeas and nays.

Mr. DUNLOP spoke in favor of the amendment. He took a view
of the inconveniences attending a meeting here in the fall, in regard
to a place for holding our sessions, as neither the court-house nor the
church, with high back seats, like the stocks, could be rendered com-
ommodious. In Philadelphia, we could be well accommodated, and
would have access to all the books we might want. We would also
have a very good audience, which would, perhaps, make us a little
more careful than we generally were, what we said. But the people
had a jealousy, though an unreasonable one, of the influence of the
city, and he was confident that they would not assent to our sitting
there. He saw no alternative but to assemble here in the spring.

There would be no harm, he thought, in delaying the completion of
our business. A great change had taken place in public opinion since
the Convention met. The people were becoming more and more
conservative. The people changed their opinions, occasionally, as
well as individuals. How frequent and sudden were changes of sen-
timent and principle in individuals! There were some gentlemen who
once held that the United States Bank was a constitutional and useful
institution, who now represented it as a deadly monster. He heard
from all quarters of the country, that a great change had taken place
in the minds of the people on the subject of alterations to the Con-
istitution. He referred to the great change in the county of Philadelphia,
the very place where all the reform doctrines were conected. He
had heard some radical gentlemen say, that they wished to go home
and consult with their constituents, and beg them to consent to save
the independence of the judiciary. It was right and proper to adjourn
long enough to afford the public time to express their sentiments.

The public mind was never steady: it was always agitated, like the
shifting sands of the desert. He wanted to let the people know how
little we had done for the time and the money we had spent—to let
them know that we were spending a thousand dollars a day—and that
the Convention would cost them a quarter of a million of dollars. He
wanted to let the people of Juniata county know this. It had been
said that the people cared nothing about the expense, and were satis-
fied with our work, and anxious that we should go on and make
changes. But public opinion had been regulated by the small town-
ship politicians and little lying printers, through whom the represent-
atives of the people had been elected. We were now at the flow of
this tide of public opinion, and we should be at its ebb when we met
again.

Mr. CUAMIN said: I rise, Mr. President, for the purpose of read-
ing this bill of the expenses of this Convention, (Mr. Cummin then
held up the bill in his hand,) that was read as a complaint—a waste
of time in this Convention, by making long speeches to the amount
of many thousands by the gentleman from Franklin, (Mr. Dunlop,) who has himself been in the habit of making speeches to the amount
of 170—for which inconsistency I rebuked him at that time, and
it seemed to have some effect on his conduct for some time. But he
has broken out again, without reserve, in support of an amend-
ment of his friend from Adams; but what the amendment is, I know not,
as the same gentleman has bewildered us with amendments. But I
suppose that it is the same amendment that his friend from Adams
(Mr. Stevens) had offered six times—five times himself, and once
by his friend, without either addition or diminution. But, Mr. Presi-
dent, said Mr. C., it is impossible to follow him in all his meander-
ings, sophistry, philosophy, and other hard words that I cannot un-
derstand, as I am no scholar. Sir, he has given us a history and
exposition of the United States Bank, as if it had been the amend-
ment of his friend from Adams. Mr. President, what business had
he to occupy the time of this Convention with the bank? There is
no bill before this Convention for the purpose of rechartering the
United States Bank; yet have we any article before us respecting
the bank. And why did he waste so much time on a subject not be-
fore the Convention? This is the orator who sums up the expense of
the Convention on account of long speeches. But, Mr. President,
he is opposed to meet at Philadelphia, for fear of the wrath of the
people; nor will he sit in the German Church, as it is only fit for
children; the backs of the seats are straight up, confined as if you
were in the stocks. Mr. President, I think that he has been at
church once, or otherwise he could not describe the punishment that
the people have to endure who attend church—the same, he says, as
sitting in the stocks. Again, Mr. President, he condemns the Court
House as altogether unfit for the accommodation of the Convention.
Here Mr. Cummin said, that the Court House was a good house
and commodious; that the assembly sat there many years; and that
he, Mr. C., sat there himself, and he thought he was as good a man as
the gentleman from Franklin, (Mr. D.) Mr. C. said that he (Mr. D.)
had said, that they could not get the hall where they were then.
Mr. C. was then taking notice of the reproachful language that he
had used concerning the people. Here the President called him to
order. Mr. C. said that he would bow to the admonition of the
Mr. BROWN, of Philadelphia county, replied to the assertion of
the gentleman from Franklin, (Mr. Dunlop,) that great changes had
taken place in the county of Philadelphia on the subject of reform,
denying it in any and every sense in which it was made. The peo-
ple of the county were, by an overwhelming majority, in favor of
amending the Constitution; and although they might have doubted,
and may still doubt, whether such amendments as they desire would be
made by what has been called a conservative Convention; yet, when
the amendments he (Mr. B.) had no doubt would be made, were
presented to their consideration, they would meet their full approba-
tion. But the gentleman from Franklin says, that they are changing
on the subject of limiting the tenure of the judiciary. Now, Mr. B.
would say, that not the least indication of any such change had
been manifested; on the contrary, the people of that county had too
strong an evidence of the independence and integrity of a judiciary of
limited tenure in their district court, not to be in favor of limiting all
judges. So far from the people of Philadelphia county changing
against reform, he (Mr. B) had letters, which were at the service of
his constituents, from some of the first men in the city of Philadel-
phia, belonging to the conservative party, approving of the reform
proposed. Mr. B then replied to Mr. Dunlop on the subject of the
expenses of the Convention. He supposed Mr. D. did not mean this
as a matter of remarks for the Convention, but for the people of Cum-
berland and Franklin, to whom he had told the Convention a week
before, he was speaking. He (Mr. B.) trusted that when that
gentleman went before those people, he would tell them how much
the expense he (Mr. D.) had voted for. But (said Mr. B.) who
that is to be charged with the expenses of the Convention? Cer-
nily not the radicals. The conservatives had told them before we as-
sembled, that they had a majority. Their first act proved that they
had a majority. The election of a President, certainly not a radical;
the whole action of the Convention in the hands of the conserva-
tives. Whatever was therefore of good or evil, was attributable to the
conservatives. It all belonged to the conservatives. The radicals had
responsibility. He (Mr. B.) did not wish to attribute blame to
one, not even to the conservatives, on this subject. He did not
see the expenses of the convention were worth the talk they had
sioned. These expenses were all predicated upon, and regulated
hose of the Legislature; and he did not believe the people of
sylvania would regard the expense in improving their form of
ment, in carrying on the great work of perfecting their free in-
tions, and making them conformable to the light and spirit of the
and Mr. B. said he knew the gentleman from Franklin (Mr.
top) was too high-minded and honorable a man to appeal to the
mero dollar-and-cent passion of the people of Cumberland, Franklin,
and Adams, when he brought the subject of reform before them.
He will tell them all the Convention have done, and all he believes,
in his heart, they will do. He will show them his votes on this sub-
ject, and will appeal to their high and lofty patriotism in favor of re-
form. He will tell them that all the changes of jacobinism and agra-
arianism, which were made against us poor radicals, were false and un-
bared; and will ask them to judge of the changes we make, with-
out prejudice or passion, looking only at what is made, and forgetting
who has made them, or what they may have cost. If we have acted
wrong, he will tell the people who have so acted; but he will not
ask the people to punish themselves for our faults, by rejecting good
and wholesome reform. He will tell them that the Convention, con-
servative as it is, can do no harm, and may and will do much good.
It will enlarge and liberalize the institutions of the State. On the
subject of adjourning until April, Mr. B. said the gentleman from
Franklin says reform is at the flood now, but it will soon be at the
ebb. When said Mr. B., will be the greatest ebb, if not after the
October election? Those opposed to all reform will then have had
an opportunity to appeal to the people, and if they want no reform,
that will be the time to determine; and Mr. B. said he, for one, was
willing to meet the people in this hall now, or in October; but he hop-
ed it would not be deemed necessary to put it off longer than the
period already fixed.

Mr. FLEMING said that if we adjourned over for three months,
it was a longer time than our constituents would approve; but, to add
six months more to the recess, was altogether out of the question.
If we met here next spring, as soon as the warm weather commen-
ted, we should meet the same objections, on the score of the unhealthiness
of the place and season, that we have met at this session. Another
adjournment would then be necessary to the next fall or spring, occa-
sioning a degree of delay and expense which the public would never
undergo. In the first place, it was his opinion that we ought not to
have adjourned at all. This season of the year was the most plea-
sant for such an assembly that could be chosen; but, after adjourning
for three months, without any substantial reason, he wished to know
what reason could be given for deferring the whole business of the
Convention for a year. In what situation would it place us with the
people? Was it believed by any one, that they would sanction such
a course?

Mr. CHANDLER, of the city, had, he said, heard with surprise from
the gentleman from the county, (Mr. Brown,) that he had received
instructions from his constituents in favour of the radical changes of
the Constitution, which he, Mr. B., had advocated here; for, within
the last twenty-four hours, he had read letters from that district giving
very different representations.

Mr. BROWN said he had received letters, not instructions.

Mr. CHANDLER said the gentleman belonged to a party which
considered the will of the people as an instruction. He, Mr. C., had
learned from different parts of the Commonwealth, that great changes
had been wrought in the public mind, in regard to the subjects which
had been brought before this Convention.
Mr. FORWARD rose to a point of order. Was it in order to discuss local politics in connexion with this question?

The CHAIR said if the gentleman's remarks had any connexion with the question, it was very remote indeed.

Mr. CHANDLER could see no connexion whatever, himself; but he had wished to reply to what had fallen from the gentleman from the county.

Mr. BIDDLE said he believed that, after having spent so much time together, all party asperity had been softened, and they should go home with the best feelings towards each other. As to the time of meeting, he asked what public harm could follow the postponement of our meeting till spring, when we should have the advantage of this best of halls for our accommodation? The people were not so impatient as they had been represented, and would, he thought, be satisfied with the delay.

Mr. SMYTH said that, very early in the session, a disposition was manifested to adjourn; and the excuse that was offered was, the accommodation of the farmers. Now, if the Convention adjourns over until the 12th of April, the same excuse will be urged again. The farmers will lose two seasons. If we meet in October, we shall have at least seven weeks before the meeting of the Legislature: he therefore appealed to those who are in favor of the best interests of the country, to oppose the motion of adjournment until April next.

Mr. FORWARD said that, if he consulted his own interest, he would vote to meet in April next. He said that if the Convention should meet after the election, those political asperities incident to a political contest will have passed away, and the Convention can then proceed to its business in a calm and dignified manner. If the Convention meets in April, most of the discussion on the important topics will have been forgotten, and the labors of the Convention will be protracted. The reasons offered for the adjournment were, that the warm weather was coming on—members were apprehensive of impairing their health, and that it was no time for deliberation. He thought that October was the best time, whether the Convention assembled in Harrisburg or Philadelphia.

Mr. STEVENS said that when he offered the resolution, he believed that the question was, whether the Convention should meet in Philadelphia or this hall, in October, or in some inconvenient place fitted up at great expense by this county, and under an influence which a Legislature, coming fresh from the people, heated with politics, may have upon it. Being in favor of meeting in this hall, he had moved the amendment: but, unwilling that a misconstruction should be put on his motives, he would withdraw the amendment; and, as the question now would be, whether we shall meet in Harrisburg or Philadelphia, in October, he would vote for Philadelphia.

Mr. DICKEY offered the following amendment to the amendment: strike out all, but the word "that," and insert—"for the purpose of proposing amendments to the Constitution, to be submitted to the people for their ratification or rejection at the next general election, this Convention will prolong its session one month beyond the 14th instant, and as much longer as may be necessary."

Mr. D. said that the gentleman from Lycoming said, that he had heard not one good reason for an adjournment. Neither had he. He believed that the people expected that the Convention would submit their proceedings, in October next, to the people. In one month, or at least six weeks, those amendments which the people desire, could be prepared to be submitted to the people. He could not refrain from once more trying to bring the Convention back to its duty, and letting the people know who are opposed to submitting to them, in October, the necessary reforms of the Constitution. He would, therefore, call the ayes and noes.

The vote being taken, the motion of Mr. Dickey was lost.


Mr. CLARKE, of Dauphin, remarked that he believed that if the Convention met here in October, and pursued their labors with as much industry, they might finish their labors before the meeting of the Legislature. He said that the regular constituted county authorities, as well as the constituted borough authorities, had given the assurance, that if any other place was wanted, they would fit up a suitable room. The hotels in this place were considered, by gentlemen from other places, as inferior to none other. They were not crowded and several of the first respectability had no boarders at all. There were also several respectable boarding houses in the place, which would afford ample accommodations to all that might not be disposed to take up their lodgings in a public house. He hoped, that the Convention would not incur the expense of removing to the city.

Mr. CUNNINGHAM spoke in favor of meeting in Harrisburg. He remarked that the hospitality of the city was unbounded, and that a misconstruction should be that the Convention would not incur the expense of removing to the city.
Mr. KERR said that there was another reason which had not been mentioned, why the Convention should not adjourn to Philadelphia. It would appear in the great Globe itself, that the Convention would meet under the influence of the United States Bank. He did not wish to give such an electioneering topic to certain politicians. He also thought that, although the accommodations in Harrisonburg were good, yet they would be better in Philadelphia. He then read the report of assembly calling the Convention, to show that the Legislature contemplated an adjournment to Philadelphia, or somewhere else. He said that the Court House was too small. It was too small for one hundred members when the Legislature met there. As it respects meeting in a church, he had no objections, provided it could be suitably fixed up; but he did not think that it would be. He was therefore in favor of meeting in the Hall of Independence in Philadelphia.

Mr. DUNLOP said that as the question now was, whether we should meet in October, in Harrisonburg or Philadelphia, he should vote for Philadelphia. He then went into a detail of facts to show that the Convention could not consistently meet at the same time with the Legislature in Harrisonburg, and that the people did not require the Legislature to accommodate itself for the purpose of removing to any particular place.

Mr. STERIGERE said that he should vote against an adjournment to Philadelphia. He believed that the announcements in the city would tend to prolong the session. He did not think that the objection to the Court House and the church were well founded. He once himself, sat in the Court House, and was well accommodated. The county commissioners had agreed to fit it up, and the public offices had been rendered for the use of our clerks. As it respects the church, he did not think that service on Sunday was an objection. Those who attended church would not damage the house as much as the lecturers had this hall in the evenings during the session.

The vote was then taken on the amendment of Mr. Clarke, of Dauphin, to strike out Philadelphia and insert Harrisonburg, when it was agreed to by the following vote:

THURSDAY, July 12, 1837.

Mr. CHAUNCEY presented a petition from sundry citizens of the Commonwealth, in favor of the extension to fugitive slaves of the right of trial by jury, which was read and referred.

Mr. CHANDLER, of Chester, presented a petition of similar tenor from sundry citizens of Allegheny county. Referred.

Mr. READ offered the following resolution:

Resolved, That it is expedient to provide for the election of justices of the peace and aldermen, for a term not exceeding five years, at the time of the election of constables.

Mr. READ moved the second reading and consideration of the resolution, and thereupon asked the yeas and nays.

The question was decided in the affirmative—yeas 64, nays 41, as follows:


Mr. STEVENS moved to postpone the resolution indefinitely.

This motion was rejected—yeas 44, nays 65, as follows:


Mr. DUNLAP moved to amend the resolution, so as to provide that the Governor shall appoint such number of justices of the peace and aldermen as are or shall be directed by law, and that they shall hold their offices for the term of five years; but may be removed for misbehaviour in office, or conviction of any infamous crime, or on address of both houses of the Legislature.

Mr. DUNLOP said the resolution was wholly impertinent, and the amendment, therefore, unnecessary. There could be no harm in passing it; for it decided no more than had already been agreed upon in committee of the whole. It did not provide how, when, or where justices and aldermen should be appointed.

Mr. KONIGMACHER asked the yeas and nays on his motion, and it was determined in the negative—yeas 23, nays 85, as follows:


NAYS—Messrs. Agnew, Ayres, Banks, Barclay, Barnitz, Biddle, Carey, Chambers, Chandler of Chester, Chandler of Philadelphia, Chauncey, Cline, Cochran, Cope, Crum, Darlington, Dunlop, Harris, Heister, Hopkinson, Jenks, Long, Maclay, Mc'Sherry, Meredith, Merrill, Merkell, Pennypacker, Pollock, Porter of Lancaster, Reigart, Russell, Saeger, Scott, Serrill, Stergere, Stevens, Thomas, Todd, Weidman, Young, Sergeant, President—85.

Mr. DUNLOP moved to amend the resolution by inserting after the word "expedient," the words "to proceed to the consideration of the sixth article of the Constitution, and".

Mr. D. said if any thing was to be done on this subject, it ought to be done in a proper form. The resolution, as it stood, would be of no practical benefit. He asked the yeas and nays on the amendment.

Mr. FRY believing, he said, that nothing could be done on this subject at this late stage of the session, and as much other business remained to be done, moved to substitute for it the resolutions yesterday reported by him.

The CHAIR decided that the motion was not in order.

Mr. DARLINGTON said we had been informed, that the committee of accounts were ready to report, and, to afford them an opportunity, he moved the postponement of the subject.

Mr. EARLE, after some remarks on the expediency of passing on.
CONVENTION PROCEEDINGS.

(Continued from Thursday.)

Mr. M'CAHEN asked the yeas and nays on the adoption of the resolution, and the question was taken and decided in the affirmative, as follows:


Mr. M'CAHEN moved to amend the resolution by striking therefrom all after the word "Resolved," and inserting in lieu thereof the following, viz: "That the committee of accounts be instructed to settle with the editor of the Daily Chronicle, and that the same be discontinued, when the proceedings of the Convention, to the 14th instant, inclusive, shall be published; and said committee be authorized to make equitable and final settlement with said editor."

Mr. STEVENS moved to amend the resolution by adding the words—"after the close of the present volume."
Mr. Stevens remarked that the publisher laid in his stock of materials monthly for his work, and that his contract with us gave by the month. The third month was now but half completed, and, if we stopped the work short now, we should throw the materials on his hands. The paper on hand, about seven hundred dollars' worth, he understood was of a size and kind fit only for this work.

Mr. M'CAHEN adopted the amendment as a modification.

Mr. STERIGERE thought it would be much better for us and for the publisher to stop the paper now, than at the expiration of the month in the next session.

Mr. CLARKE, of Indiana, requested the gentleman from Philadelphia county to reject the modification, and suffer the question to be taken on the proposition to stop the paper now. If we let the paper go into the next session, we should not get rid of it. He expressed his disapprobation of the paper from its commencement. He confessed that its columns, the people had already been fully informed in regard to the different propositions which were before us.

Mr. CUMMIN approved of the paper, though he had at first voted against it. He regretted that the reproaches cast upon those who were willing to incur the expense of its continuance, for the sake of giving information to the public, would compel him to vote against its continuance.

The debate was continued by Messrs. HEISTER, STERIGERE, M'CAHEN, STEVENS, DICKEY and DARLINGTON; and Mr. M'CAHEN again modified his motion so as to place it in its original form.

Mr. CHAMBERS bore testimony to the fidelity and promptness with which the paper had been conducted. He confessed that its general accuracy as a daily publication, considering all the various propositions made here, and the manner in which they had been discussed, had excited his surprise. He thought the paper had answered all the purposes for which we had ordered it; but he did not think it necessary to continue it during the next session, because, through its columns, the people had already been fully informed in regard to the different propositions which were before us.

Mr. CHANDLER made some remarks in favor of fulfilling our implied obligation to the publisher of this work.

Mr. STERIGERE thought that the proper time for discontinuing the paper was at the end of the present session.

Mr. INGERSOLL took occasion to explain the reasons upon which he voted in the minority of one yesterday, against paying Mr. Guyer out of the public money. He entered into an argument to prove, that the Convention, under the act of the Legislature, had no right to purchase this paper; and that act placed us under obligation to the people, through the Legislature, of a higher character than a contract with a printer. The printer, nevertheless, ought to be paid; and when he voted against the resolution paying him out of the public money, he intended, and was still willing, that he should be paid out of the private purses of the members.

Mr. STEVENS said that Mr. Guyer was of age, and he could speak for himself. He had nothing to say to those who think they are at liberty to violate contracts; but to those who believe that contracts ought to be regarded as sacred, he would ask if it was for them to say, that it was for the benefit of Mr. Guyer that the contract should be violated? Was this Convention to say, we will violate the contract, because you cannot sue us? Mr. Guyer has purchased materials for the completion of the volume. The paper is of a peculiar size, and is not fit for other kinds of printing. He agreed with the gentleman from Philadelphia, that the honor of this body was concerned in it, and he should feel, if he should vote to rescind the contract, every time he thought of it, that he had done a mean and low act.

Mr. BANKS said that he wished to do what is right, and he did not hold to the violation of contracts. When it is ascertained that a full account of all the proceedings and sayings of the conservatives cannot be published, and when Mr. Guyer has been fully paid for the whole time which it was anticipated the Convention would continue in session, there would be no damage done. The Convention had already continued in session longer than was anticipated, and if Mr. Guyer had some hundreds of dollars' worth of paper on hand, he could dispose of it. The Chronicle presented some singular things to the people—and, although true, they were very strange. Discussions on questions of order—calls to the rally—petitions—queer propositions—personal attacks, and many other things which were amusing, if not profitable, to the reader. He wished Mr. Guyer to have a just and equitable compensation. He had no cause of complaint himself; but when there was an opportunity of cutting off an expense of $10,000, without injuring any body, he did not know how they could vote against it.

Mr. BELL spoke against the continuation of the Chronicle, if consequence of his believing that he had not been fairly reported. He thought its continuance was merely to flatter the vanity of members who might write out their speeches. He thought that it would be no violation of a contract, and went into an argument and endeavored to show that there was no contract.

Mr. DUNLOP said that more money had been spent in the discussion of this matter, than the whole thing would amount to. Two or three hundred dollars would indemnify Mr. Guyer, and more than six hundred had been spent in discussion. He then read from the journals to show that there was a contract. He thought the gentleman from Indiana would have no scape-goat to bear off the blunders of himself and his friends.

Mr. DICKEY said he was much obliged to the gentleman for Mifflin for his gratuitous lecture. He then read from the prospect of the Chronicle, to show that Mr. Guyer did not agree to publish the speeches at length, but sketches of the debates, and therefore had faithfully fulfilled his contract. He showed that it was an honor of the journals to show that there was a contract. He thought the gentleman from Indiana would have no scape-goat to bear off the blunders of himself and his friends.

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Mr. BELL replied that he was not capable of writing out speeches himself, and if the reporter could not take down what he had to say, it would be lost to posterity.

The vote was then taken, and the amendment of Mr. Stev was negatived by the following vote:

Mr. FRY gave an account of the conduct of the committee, and seemed to think that he had been ill treated.

The vote was then taken on the amendment of Mr. M'Cahen, when it was agreed to.

Mr. FULLER was in favor of getting rid of the Chronicle. After going among the people, the members could tell whether the Chronicle was wanted, and if it was, Mr. Guyer could again be employed.

Mr. BROWN, of Phila. county, said that he should vote to discontinue the Chronicle, to get rid of the clamor about the expenses.

He was perfectly satisfied with the manner in which it had been conducted.

Mr. DICKEY replied to Mr. Fuller, that if the motion of Mr. Crawford had prevailed, which was to take an equal number of the Daily Reporter, there would never have been heard anything about the Daily Chronicle.

The vote was then taken on the resolution as amended, to discontinue the Chronicle, when it was agreed to by the following vote:


The question then recurring on the resolution for dispensing with the clerks,

Mr. DARLINGTON moved to strike out the assistant clerks.

Mr. INGERSOLL moved to postpone the resolution and amendment indefinitely, which motion was agreed to.

The Convention then adjourned to meet again at 4 o'clock, P. M.
Hon. John Sergeant,
President of Convention.

Sir—I resign my situation as one of the secretaries of the Convention: the resignation to take effect from to-morrow.

I am, sir, very respectfully,
Your obedient servant,
Samuel A. Gilmore.

Mr. Woodward then offered the following, which was adopted:
Resolved, That the thanks of this Convention are due to Samuel A. Gilmore, Esq., for his prompt and able discharge of the duties of secretary.

The Convention then adjourned.

FRIDAY, July 14, 1837.

After the reading of the journal of yesterday,

Mr. Meredith offered the following resolution, which was read:
Resolved, that the Secretary be directed to cause copies of the amendments agreed to in committee of the whole to be printed, and transmitted to each member of the Convention.

Mr. Read said he doubted whether there was a quorum present, and, if there was not, no resolution could be passed.

The President answered that there was not a quorum present.

On motion of Mr. Meredith, the Convention adjourned, to meet in this place on the 16th of October next.

The following speech of Mr. McDowell, of Bucks, on account of its length, and the time it took for our reporter to prepare it for the press, was omitted in its proper place. It was delivered upon a resolution offered to limit the number of justices of the peace, and an amendment offered thereto by Mr. Meredith, fixing a salary on their compensation.

Mr. McDowell said, before the vote was taken, he begged leave briefly to suggest to the committee his views upon the subject before them. As a reformer, he felt an earnest desire that great caution should be exercised upon all occasions; and that, although individual members might have a strong bias in favor of certain forms of amendment, still he hoped their minds were open to the force of truth, and possibly to conversion. Every material innovation upon the present Constitution was of vast importance, and before it met the sanction of the committee, should be carefully and deliberately weighed. It was going very far, when, by a pretty decided vote, the committee determined to elect justices of the peace, and since that important change was likely to be made, he deemed it of the highest interest to guard the integrity and faithfulness of those inferior courts in every possible manner.

He believed the question before the house to be one of the highest importance, and involving a principle of equal interest with any that would come before the Convention. It embraced, in fact, the independence and purity of the judiciary: and, although the application of the principle was to a court of inferior jurisdiction, it nevertheless carried with it, in its consideration, all the weight and all the consequences that could follow its adoption in the regulation of a higher tribunal. It was deeply to be regretted, that neither the jurisdiction, nor the character of appointments of justices of the peace, had received that attention, nor commanded that respect, which the present Constitution intended to create and confer. Their judicial tenure and functions lay at the very root of the judicial system of the Commonwealth, and their action within the scope of the same, brings them to pass upon the most important rights and interests of the community. So much had been said about the rich and the poor, that he felt some distrust in introducing the claims and rights of the poor man even in their proper place. But he said it became us to speak of men and things as they exist, in the proper spirit, and at proper times. The poor man had his rights, and it was the office of the government to protect them. He regarded those inferior tribunals of justices of the peace, as more especially the poor man's court, and the nature and extent of their action brought them mainly into the interest of the humbler classes of society. But it did not follow, because their jurisdiction was limited, and, consequently, they were not brought to take up large claims, that they ought not therefore to act correctly and honestly. A magistrate's court was a court of the least resort, and absolutely so, within certain limitations, as the superior tribunals of common pleas, or the supreme court. From his decision, within certain amount, there was no appeal: his judgment was absolute. An erroneous judgment in a sum of five dollars and thirty-nine cents, involved as great a principle and affected as large a right to the poor man, as an erroneous judgment in a sum of nine hundred and ninety-nine dollars and ninety-nine cents did to the rich man; although the one might be committed by a justice of the peace, and the other by the supreme court. It was the principle of right a wrong that was implicated, and not the amount of claim. The number of rights passed upon by these inferior tribunals—the innumerable number of subjects of litigation necessarily thrown before them by legal restrictions, made them the most universally important—tribunals of justice in the Commonwealth—and it was for these reas--
DAILY CHRONICLE AND CONVENTION JOURNAL.

they were entitled to what they of late years, at least, had never claimed nor received—the greatest possible perfection in their organization, and the most scrupulous exercise of their powers.

Did these tribunals sustain, in character and usefulness, what was originally conceded to them in principle and importance? Certainly not. He was surprised to find so predominant a spirit of complaint. The whole western section of the state seemed to be arrayed against the justices of the peace, as against a prevailing evil. And it was a singular fact, that, in proportion as their judicial functions were enlarged from time to time by the Legislature, the character of the office became diminished, both in dignity and usefulness. From whence springs the evil? In answer to this, there was but one opinion. It arose from the abuse of the appointing power. That power, to the extent exercised, was perhaps never in contemplation by the framers of the Constitution. Since its adoption, the jurisdiction of these subordinate magistrates have been enlarged from forty shillings to one hundred dollars. Whether that jurisdiction was wisely extended, was debateable ground. Wise or unwise, it was a tribunal to whose judgment were nine-tenths of the disputed concerns of mankind were brought for decision. And, notwithstanding this, it was a tribunal constituted by the Governor of the Commonwealth carelessly, recklessly, corruptly. It was a part of his patronage, more than any other, that had been basely prostituted; first, in regard to the competency and fitness of the men appointed; and, secondly, in the number of appointments that had been made from time to time to repay party services performed, or secure those that were to be performed.

In practice, he inquired what was the process in creating justices of the peace! Was it to consult the people, first, whether a magistrate was necessary; and, secondly, who was their choice? Not at all. There were certain “kitchen cabinets” in every county of the Commonwealth, composed of the “wise men of Gotham”—the pure in faith—the “King’s counsellors,” to whom “homage” must be paid by the people in the first place. They were the dispensers of public favors; and, no difference what party was in power, the process was the same. The honest yeomanry of a neighborhood, pursuing their business in peace and quietness—not dreaming that they were in the meshes of the law, unless there existed an absolute necessity for it. He believed hundreds—nay thousands of little, petty, malicious actions were brought, because of the ease and convenience which attended them. A difficulty arises between a man and his neighbour—they dispute—a magistrate is in sight, and, while the blood is heated, they sue. He had said a justice of the peace was a great man from the date of his commission; he was fit to counsel his neighbours by virtue of the great seal of the state—his counsel generally ended in bringing a suit as the most judicial mode of settling a dispute, which a little time, or inability to get to a magistrate, would have settled itself. But justices are so thick, a man has not time to cool or reflect, before he runs against one. In matters of consultation, they become the agent of the consulting party, and if a suit is brought, they are bound in honour to make good their advice; consequently, judgment is given for plaintiffs, and hence has arisen that oppression saying, “that a justice of the peace always gives judgment for plaintiffs, unless the defendant is unable to pay the costs.” He spoke of those justices who abused and disgraced the office.

He went into a further examination to show how oppressively the abuse and prostration of the subordinate magistracy of the country operated upon the humble classes of society—and how important it was, that these tribunals, inferior as they might be, should be respected and respectable, and those who fill them should be men of sound heads and pure hearts.

Such being the state of things, and the people of this Commonwealth seeing that the evil was growing upon them, and that it was getting beyond endurance, claim to have a change in their fundamental law in this respect. They ask, by a large majority, if the opini-
The amendment offered by the gentleman from Philadelphia, (Mr. Meredith,) presented to his mind a subject worthy of great consideration. The proposition was to give to the justices of the peace a fixed salary, instead of the fees of office. Insomuch as the door was thrown open for improvement, he was favorable to the amendment; it struck him with great force. There were two principal evils to get rid of in the amelioration of the system: the first was the number of justices; the second the abuse of the office. The first evil must be eradicated, or all amendments are vain. Unless some limit is fixed in the Constitution as to number—if the Legislature is to say how many justices of the peace are to be elected in each township, ward, or district—if they are to determine when and where a new justice is necessary, he feared there would be nothing gained by the change. He had no faith in legislatures, and he would sooner trust matters of patronage with the Governor, much as it was abused, than with the Legislature. He would not make the legislative hall a political arena, where office-hunters were to assemble to contest their claims to office. Members of that body would have the same inducements to abuse the power as the executive; they would strew their districts with newly made magistrates, to reconcile present and secure future promotion. He had heard enough about legislative encroachments and abuses since he had been honored with a seat in this house, to make him distrust the virtue and integrity of that body. Indeed, so much had been said about public men and bodies of men—such charges had been preferred, and imputations cast by one upon another, here and elsewhere, that he was at a loss to know in what quarter to repose confidence. The gentleman from Northampton had complained of this universal distrust. He agreed it was painful, and presented a state of things not very creditable. He believed, however, it would not do to withhold the truth from motives of delicacy. Distrust of public men was of wholesome tendency. Curb, guard, and limit the exercise of delegated power as you may, the people will find the trust too often abused. Politics had become a profession: men followed it as a business; and in deep humility he was constrained to say, they were but too successful in their calling. His faith in a man diminished as he grew in politics—he spoke of the mere politician.

He said again, and he gave it as his solemn conviction, founded upon experience, that the great evil of the system was in the number of justices. Nothing could be done in the way of reform, unless a clause was introduced in the Constitution, giving one justice to a certain number of taxable inhabitants; thereby placing it beyond future governors or legislatures, for political purposes, to flood the country with these officers of the peace, unasked for by the people.

He had said the amendment of the gentleman from the city (Mr. Meredith,) met his views favorably. It did so, and the more he had reflected upon it, the better he thought of it. Like that gentleman, he was desirous to record his vote in favor of it. He believed the time would come when their views would be more favorably received. He believed the subordinate magistracy of this Commonwealth, with its enlarged jurisdiction, was of the most vital interest to the people. He had given his reasons for this opinion. He was anxious, therefore, to make it as useful and as perfect, as it was important. He believed in the purity of judicial officers, more than he did in their independence. Give him the first attribute, and he would risk the other. There might be independence without integrity; but he doubted whether the latter merit could prevail without the former. Under the present Constitution, magistrates are multiplied to an evil. Under the system of fees, extortion was invited and practised. He was at a loss to know which was the worst. The amendment under consideration to his mind proposed an entire remedy against extortion. It removed the inducement from the officer—it took away the second the abuse of the office. The first evil must be eradicated in the amelioration of the system: the first was the number of justices; the second the abuse of the office. The first evil must be eradicated, or all amendments are vain. Unless some limit is fixed in the Constitution as to number—if the Legislature is to say how many justices of the peace are to be elected in each township, ward, or district—if they are to determine when and where a new justice is necessary, he feared there would be nothing gained by the change. He had no faith in legislatures, and he would sooner trust matters of patronage with the Governor, much as it was abused, than with the Legislature. He would not make the legislative hall a political arena, where office-hunters were to assemble to contest their claims to office. Members of that body would have the same inducements to abuse the power as the executive; they would strew their districts with newly made magistrates, to reconcile present and secure future promotion. He had heard enough about legislative encroachments and abuses since he had been honored with a seat in this house, to make him distrust the virtue and integrity of that body. Indeed, so much had been said about public men and bodies of men—such charges had been preferred, and imputations cast by one upon another, here and elsewhere, that he was at a loss to know in what quarter to repose confidence. The gentleman from Northampton had complained of this universal distrust. He agreed it was painful, and presented a state of things not very creditable. He believed, however, it would not do to withhold the truth from motives of delicacy. Distrust of public men was of wholesome tendency. Curb, guard, and limit the exercise of delegated power as you may, the people will find the trust too often abused. Politics had become a profession: men followed it as a business; and in deep humility he was constrained to say, they were but too successful in their calling. His faith in a man diminished as he grew in politics—he spoke of the mere politician.

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had spoken in favour of this amendment, had not placed this matter upon its true foundation.

The gentleman from Crawford (Mr. Shellito) complained of the costs. He trusted that no man had it in contemplation to abolish the fee bill, and permit parties to bring suits and lose them without paying costs. This was not what he contended for. He only contended that the wages of the judge should not depend upon the fee bill, or the number of suits he could manage to institute. Let the fee bill remain as it is, or let it be suitably amended, and let the costs which now go to the justice, be collected by him, and paid over on oath to the county or township treasurer. Let such laws be passed as will make it his imperative duty to receive and account for all such fees. Beyond a certain amount, the prothonotaries, registers, &c. of the different counties, are compelled to pay to the state treasury certain portions of their fees. To do this, an account must be kept of all received. Let the justices pursue the same course.

Limit the number of the justices of the peace, and you will make the office respectable and respected. Make them like angels' visits, "few and far between," and men will consent to fill the station who will do honour to it and justice to suitors. Limit the number of Magistrates in each county, and the honest fees of their business will pay them ample salaries. The costs will not be the addition of a farthing. Public security, private rights, judicial confidence, and the satisfaction of the people, would be worth millions.

He would be willing further to restrain the action of magistrates, with a view to the greater perfection of the system. He would confine their jurisdiction severally to their respective districts, (except in criminal cases,) at least so far, that either plaintiff or defendant should reside therein. He had known many instances of the grossest and most wicked abuse, for the gratification of the worst of feelings, of this general and unconfined jurisdiction of justices of the peace. He would put it out of the power of a plaintiff to travel over a county to pick out a magistrate, before whom to bring an unrighteous and unjust suit. He wished, as far as possible, to guard against all abuses: he might be mistaken in his views; but he conscientiously believed, if they were once put in practice, they would be found universally beneficial.