THE
"CLEARFIELD REPUBLICAN,"
PUBLISHED EVERY WEDNESDAY, BY
GEORGE R. GOODLANDER,
CLEARFIELD, PA.

ESTABLISHED IN 1827.

The largest Circulation of any Newspaper in North Central Pennsylvania.

Terms of Subscription.

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If paid after the expiration of 6 months... 3 00

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1 square	$8 00	1 column	$35 00
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GEORGE R. GOODLANDER,
Editor and Publisher.

CLEARFIELD REPUBLICAN.

GEO. B. GOODLANDER, Proprietor. PRINCIPLES, NOT MEN. TERMS—$2 per annum in Advance.

VOL. 49--WHOLE NO. 2408. CLEARFIELD, PA., WEDNESDAY, FEBRUARY 17, 1875. NEW SERIES--VOL. 16, NO. 7.

Cards.

A. G. KRAMER,
ATTORNEY-AT-LAW,
Real Estate and Collection Agent,
CLEARFIELD, PA.,
Will promptly attend to all legal business entrusted to his care.
☞ Office in Pie's Opera House, second floor. april 1-6m*

John H. Orvis. C. T. Alexander. C. M. Bowers
ORVIS, ALEXANDER & BOWERS,
ATTORNEYS AT LAW,
Bellefonte, Pa. [jan28,'75-y

J. H. KLINE, M. D.,
PHYSICIAN & SURGEON,
HAVING located at Pennfield, Pa., offers his professional services to the people of that place and surrounding country. All calls promptly attended to. oct. 13 tf.

J. P. IRVIN,
DEALER IN
GENERAL MERCHANDISE,
LUMBER, SHINGLES, &c.,
—AT THE—
CORNER STORE,
Curwensville, Nov. 25, 1874.

JOHN D. THOMPSON,
Justice of the Peace and Scrivener,
Curwensville, Pa.
☞ Collections made and money promptly paid over. feb22'71tf

GEO. ALBERT.....HENRY ALBERT.....W. ALBERT
W. ALBERT & BROS.,
Manufacturers & extensive Dealers in
Sawed Lumber, Square Timber, &c.,
WOODLAND, PENN'A.
☞ Orders solicited. Bills filled on short notice and reasonable terms.
Address Woodland P. O., Clearfield Co., Pa. W. ALBERT & BROS.

FRANCIS COUTRIET,
MERCHANT,
Frenchville, Clearfield County, Pa.
Keeps constantly on hand a full assortment of Dry Goods, Hardware, Groceries, and everything usually kept in a retail store, which will be sold, for cash, as cheap as elsewhere in the county. Frenchville, June 27, 1867-1y.

THOMAS H. FORCEE,
DEALER IN
GENERAL MERCHANDISE,
GRAHAMTON, Pa.
Also, extensive manufacturer and dealer in Square Timber and Sawed Lumber of all kinds.
☞ Orders solicited and all bills promptly filled. (7jy16'72

REUBEN HACKMAN,
House and Sign Painter and Paper Hanger,
Clearfield, Penn'a.
☞ Will execute jobs in his line promptly and in a workmanlike manner. apr4,'67

G. H. HALL,
PRACTICAL PUMP MAKER,
NEAR CLEARFIELD, PENN'A.
☞ Pumps always on hand and made to order on short notice. Pipes bored on reasonable terms. All work warranted to render satisfaction, and delivered if desired. my25:1ypd

E. A. BIGLER & CO.,
DEALERS IN
SQUARE TIMBER,
and manufacturers of
ALL KINDS OF SAWED LUMBER,
8-1'72 CLEARFIELD, PENN'A.

JAS. B. GRAHAM,
dealer in
Real Estate, Square Timber, Boards,
SHINGLES, LATH, & PICKETS,
9:1'73 Clearfield, Pa.

JAMES MITCHELL,
DEALER IN
Square Timber & Timber Lands,
je11'73 CLEARFIELD, PA.

DR. J. P. BURCHFIELD,
Late Surgeon of the 82d Regiment, Pennsylvania Volunteers, having returned from the Army, offers his professional services to the citizens of Clearfield county.
☞ Professional calls promptly attended to. Office on Second street, formerly occupied by Dr. Woods. (apr4,'68-tf

H. F. NAUGLE,
WATCH MAKER & JEWELER,
and dealer in
Watches, Clocks, Jewelry, Silver and Plated Ware, &c.,
je19'72 CLEARFIELD, PA.

S. I. SNYDER,
PRACTICAL WATCHMAKER
AND DEALER IN
Watches, Clocks and Jewelry,
Graham's Row, Market Street,
CLEARFIELD, PA.
All kinds of repairing in my line promptly attended to. April 23, 1872.

REMOVAL.
REIZENSTEIN & BERLINER,
wholesale dealers in
GENTS' FURNISHING GOODS,
Have removed to 187 Church street, between Franklin and White sts., New York. (jy21'72

Miss E. A. P. Rynder,
AGENT FOR
Chickering's, Steinway's and Emerson's Pianos; Smith's, Mason & Hamlin's and Peloubet's Organs and Melodeons, and Grover & Baker's Sewing Machines.
ALSO TEACHER OF
Piano, Guitar, Organ, Harmony and Vocal Music. No pupil taken for less than half a term.
☞ Rooms opposite Gulich's Furniture Store. Clearfield, May 5, 1869-tf.

J. HOLLOWBUSH . . . . . G. DAVIS CAREY
HOLLOWBUSH & CAREY,
BOOKSELLERS,
Blank Book Manufacturers,
AND STATIONERS,
218 Market St., Philadelphia.
☞ Paper Flour Sacks and Bags, Foolscap, Letter, Note, Wrapping, Curtain and Wall Papers. feb24,'72

STONE'S SAW GUMMERS AND SAW UPSETS.
We have received the agency for the above and will sell them at manufacturer's prices. Call and examine them. They are the best.
ja19-72 H. F. BIGLER & CO.

A. M. HILLS
Would respectfully notify his patients that he has reduced the price of ARTIFICIAL TEETH to $20.00 per set, or $35.00 for a double set. For any two persons coming at the same time, to have each an upper set, will get the two sets for $35.00, or $17.50 each.
Terms invariably CASH.
Clearfield, March 20, 1872.

JAS. S. PARSONS, Pres't. R. R. BRECHER, Sec'y
CONTINENTAL
Life Insurance Company,
OF HARTFORD, CONN.
Assets.....$3,219,806
Ratio of Assets to Liabilities.....122
Furnishes insurance at the very lowest cost. Policy-holders participate in the profits of the Company, thus continually reducing the annual payments.
For rates, &c., call on or address
R. M. McENALLY, Agent,
Office in Shaw's Row, Clearfield, Pa. 7:1y.

WILLIAM M. HENRY, Justice of the Peace and Scrivener, LUMBER CITY. Collections made and money promptly paid over. Articles of agreement and deeds of conveyance neatly executed and warranted correct or no charge. 21jy'72

Cards.

A. W. KRAMER,
ATTORNEY-AT-LAW.
Will promptly attend to all business entrusted to him. Office in Graham's Row, Clearfield, Pa. [jan28,'75-1y

MURRAY & GORDON,
ATTORNEYS AT LAW,
9:26'74 CLEARFIELD, PA.

FRANK FIELDING,
ATTORNEY-AT-LAW,
Clearfield, Pa.
Will attend to all business entrusted to him promptly and faithfully. nov1'73

WILLIAM A. WALLACE. DAVID L. KREBS.
HARRY F. WALLACE. JOHN M. WHITELEY.
WALLACE & KREBS,
(Successors to Wallace & Fielding.)
ATTORNEYS-AT-LAW,
11:1'73 Clearfield, Pa.

R. V. WILSON, M. D. H. S. VAN VALZAH, M. D.
DRS. WILSON & VAN VALZAH,
Clearfield, Pa.
Office in residence of Dr. Wilson.
Office Hours: From 12 to 2 p. m. Dr. Van Valzah can be found at night in his rooms, next door to Hartswick & Irwin's Drug Store, up stairs. nov26'73

DR. JEFFERSON LITZ,
WOODLAND, PA.
Will promptly attend all calls in the line of his profession. nov.19-73

JOSEPH B. M'ENALLY. DANIEL W. M'CURDY.
McENALLY & McCURDY,
ATTORNEYS-AT-LAW,
Clearfield, Pa.
☞ Legal business attended to promptly with fidelity. Office on Second street, above the First National Bank. jan:1:74

G. R. BARRETT,
ATTORNEY AND COUNSELOR AT LAW,
CLEARFIELD, PA.
Having resigned his Judgeship, has resumed the practice of the law in his old office at Clearfield, Pa. Will attend the courts of Jefferson and Elk counties when specially retained in connection with resident counsel. 2:14:72

WM. M. McCULLOUGH,
ATTORNEY AT LAW,
Clearfield, Pa.
☞ Office in Court House, (Sheriff's Office). Legal business promptly attended to. Real estate bought and sold. je11'73

A. W. WALTERS,
ATTORNEY AT LAW,
Clearfield, Pa.
☞ Office in Graham's Row. [dec3-1y

H. W. SMITH,
ATTORNEY-AT-LAW,
9:1:73 Clearfield, Pa.

WALTER BARRETT,
ATTORNEY AT LAW.
Office on Second St., Clearfield, Pa. [nov21,66

ISRAEL TEST,
ATTORNEY AT LAW,
Clearfield, Pa.
☞ Office in Pie's Opera House. [jy11,'67

JOHN H. FULFORD,
ATTORNEY AT LAW,
Clearfield, Pa.
☞ Office in Pie's Opera House, Room No. 5. Jan. 3, 1874.

JOHN L. CUTTLE,
ATTORNEY AT LAW.
and Real Estate Agent, Clearfield, Pa.
Office on Third street, bet. Cherry & Walnut.
☞ Respectfully offers his services in selling and buying lands in Clearfield and adjoining counties; and with an experience of over twenty years as a surveyor, flatters himself that he can render satisfaction. [Feb. 28,'73tf.

FREDERICK O'LEARY BUCK,
SCRIVENER & CONVEYANCER,
General Life and Fire Ins. Agent.
Deeds of Conveyance, Articles of Agreement and all legal papers promptly and neatly executed. Office in Pie's Opera House, Room No. 4, Clearfield, Pa., April 29, 1874.

J. BLAKE WALTERS,
REAL ESTATE BROKER,
AND DEALER IN
Saw Logs and Lumber,
CLEARFIELD, PA.
Office in Graham's Row. 1:25:71

J. J. LINGLE,
ATTORNEY-AT-LAW,
9:18 Osceola, Clearfield Co., Pa. y:pd

ROBERT WALLACE,
ATTORNEY-AT-LAW,
Wallaceton, Clearfield County, Penn'a.
☞ All legal business promptly attended to.

DR. T. J. BOYER,
PHYSICIAN AND SURGEON,
Office on Market Street, Clearfield, Pa.
☞ Office hours: 8 to 12 a. m., and 1 to 3 p. m.

DR. E. M. SCHEURER,
HOMŒOPATHIC PHYSICIAN,
Office in residence on Market st.
April 24, 1872. Clearfield, Pa.

DR. W. A. MEANS,
PHYSICIAN & SURGEON,
LUTHERSBURG, PA.
Will attend professional calls promptly. aug10'70

J. S. BARNHART,
ATTORNEY-AT-LAW,
Bellefonte, Pa.
Will practice in Clearfield and all of the Courts of the 25th Judicial district. Real estate business and collection of claims made specialties. n1'71

C. BAKER,
BARBER AND HAIR DRESSER,
CLEARFIELD, PA.
Shop in old Western Hotel, corner of Market and Second streets. [jan8'72

JAMES CLEARY,
BARBER & HAIR DRESSER,
SECOND STREET,
jy28] CLEARFIELD, PA. [1

JAMES C. WHITE,
BARBER AND HAIR DRESSER.
Rooms in the Leonard House,
sep5'74 Clearfield, Pa.

T. M. ROBINSON
Manufacturer and dealer in
Harness, Saddles and Bridles,
Collars, Whips, Brushes, Fly Nets, Trimmings, Horse Blankets, &c.
Vacuum, Frank Miller's and Neatsfoot Oils.
Agent for Bailey and Wilson's Buggies.
☞ Orders and repairing promptly attended to. Shop on Market street, Clearfield, Pa., in room formerly occupied by Jas. Alexander. [3:4'74

MITCHELL WAGONS.
The Best is the Cheapest!
Thomas Reilly has received another large lot of "Mitchell Wagons," which are among the very best manufactured, and which he will sell at the reasonable rates. His stock includes almost all descriptions of wagons—large and small, wide or narrow track. Call and see them.
ja8'74 THOMAS REILLY.

JAMES B. WATSON & CO.,
REAL ESTATE BROKERS,
OFFICE IN CLEARFIELD, PENN'A.
Houses and Offices to let. Collections promptly made, and first-class Coal and Fire Clay Lands and Town property for sale. Office in Western Hotel Building (2d floor), Second St. [ap13'74y

A FRAGMENT.

BY W. R. W.

We have no riches; our daily labor
Was all the wealth we could hope to win;
But we built in our hearts a royal palace
For love's own angels to enter in.
Our lowly future we lovingly painted
With tender dreamings of household joy—
Sweet thoughts that thrill in a woman's bosom,
And a true heart's service without alloy.

Three days of leisure we roamed together,
One golden summer, by rock and wave,
But when the leaves fell with reddening rustle,
The church yard grass grew above his grave!
And I, who had thought to rest securely
On the brave young heart that was all my own,
Had to bury my grief, and go forth unsheltered,
To toil in the weary world alone.

But he never knew me worn and faded,
My brown hair silvered, my eye grown dim—
To the last he saw on the face I love's own splendor,
And he took that image to Heaven with him.
So I fondly think when my task is ended,
And the longed-for rest shall my brow enfold,
He will meet me first on the hills of Eden,
And I shall be fair as in days of old.

REPORT OF THE CONSTITUTIONAL COMMISSION.

To the Honorable the Senate and House of Representatives of the State of Pennsylvania in General Assembly met:

The commission appointed by the Governor under the act of the 14th of May, A. D. 1874, entitled "An act to create a commission to prepare amendments to the Constitution of this Commonwealth," respectfully beg leave to report:

That the commission was organized in pursuance of the said act by electing Daniel Agnew the chairman and James I. Chamberland, Esq., of Harrisburg, the clerk of the commission.

In executing the duty imposed by the act, it has not been deemed wise or necessary to recommend much alteration of the new Constitution. The work of the convention which framed it was extensive and thorough, presenting in fact a new frame of government. In a work of such magnitude, it would be expected some errors would creep in, and omissions be unnoticed; and yet careful examination has disclosed but few. As a whole it contains valuable reforms, which have been sanctioned by an overwhelming majority of the people. There are features upon which differences of opinion exist, but which having been settled by popular vote, at least for the present, it is thought wise to be permitted to remain untouched, until time and experience shall have exhibited their utility or inutility.

With the single exception of the judiciary article, the least unanimous in its adoption by the convention, we have confined our revision to the removal of inconsistencies and patent defects, and to changes in a few provisions which seem to be really necessary; our object being rather to perfect than to change, thus assisting to make the instrument conform to the true spirit and intent of the body which proposed it.

The second and third article relating to the legistature and legislation, and containing the most valuable reforms, we have touched lightly, and only for the purpose of perfecting them.

We propose the following amendments, and we have added in each instance, by way of explanation, our reasons more or less at large.

PROPOSED AMENDMENTS.

Article 11. Section 11. Add to the end of the section the following: "Nor shall a member of either House be permitted to resign pending a trial by the House of an inquiry into his conduct, which may lead to his expulsion."

The section as amended will then read: Each House shall have power to determine the rules of its proceedings, and punish its member or other persons for contempt or disorderly behavior in its presence; to enforce obedience to its process; to protect its members against violence or offers of bribes or private solicitation, and with the concurrence of two-thirds to expel a member, but not a second time for the same cause, and shall have all other power necessary for the legislature of a free state. A member expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Nor shall a member of either House be permitted to resign pending a trial by the House, or, an inquiry into his conduct, which may lead to expulsion.

Remarks:

The purpose of this amendment is obvious. A knowledge that expulsion cannot be avoided will tend to prevent corrupt practices. Instances have occurred in which members charged with offences deserving the severest censure have escaped punishment altogether by resigning, because it was held that such resignation ousted the jurisdiction of the proper house over the offender. It is due as well to the dignity of the legislature as to further justice that crime and disgraceful offenses shall not escape punishment in this manner.

Article 3, section 3d. Strike out the word "general" in the first line.

The section will then read: No bill, except appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

Remarks:

The purpose of this amendment is to make the section conform to the amendments proposed to the 15th section of the same article.

Article 3, section 16th. Amend by inserting after the word "schools," in the fourth line, the following:

"All other appropriations for charitable and educational purposes, which may be made by a majority vote, shall be embraced in one bill, and all appropriations for such purposes requiring a vote of two-thirds of the members elected to each House, shall be embraced in one bill."

This section will then read: The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the Commonwealth, interest on the public debt, and for public schools; all other appropriations for charitable and educational purposes which may be made by a majority vote, shall be embraced in one bill, and all appropriations for such purposes requiring a vote of two-thirds of the members elected to each House shall be embraced in one bill; all other appropriations shall be made by separate bills, each embracing but one subject.

Remarks:

The purpose of this amendment is to bring the subject of appropriations to charitable and educational purposes before the mind of the Legislature in one view, thereby enabling them to adjust the sums appropriated according to the relative merits of the objects of the public bounty, and to keep the aggregate sum appropriated within proper bounds.

Article five, section second. Insert after the word "*shall*," in the second clause, "be commissioned by the Governor," and after the words "twenty-one years" the words "beginning on the first Monday of January next after their election." The second clause will then read:

"They shall be commissioned by the Governor and shall hold their offices for the term of twenty-one years, beginning on the first Monday of January next after their election." The second clause will then read:

"They shall be commissioned by the Governor and shall hold their offices for the term of twenty-one years, beginning on the first Monday of January next after their election, if they shall so long behave themselves well, but shall not be again eligible."

Remarks:

As the Constitution stands the power to commission the judges is only an inference, and no time is fixed for the beginning of their terms. The purpose is to supply these features of the amendment of 1850, which were probably overlooked or lost sight of in the transfer of its provisions, to different places in the new Constitution.

[Here follows a long list of amendments suggested by the Committee relating to Courts and the Judiciary system under the new Constitution, not of much local importance. Hence we omit it. ED. REPUBLICAN.]

Article V, section 15th. Insert in the middle clause after the word "shall," the words "be commissioned by the Governor and shall," and after the words "ten years," the words "beginning on the first Monday of January next after their election."

The middle clause will then read: "and shall be commissioned by the Governor, and shall hold their offices for the period of ten years, beginning on the first Monday of January next after their election, if they shall so long behave themselves well."

The entire section will then read:

All judges required to be learned in the law, except the judges of the Supreme court, shall be commissioned by the governor, and shall be elected by the qualified electors of the respective districts over which they are to preside and hold their offices for the period of ten years, beginning on the first Monday of January next after their election, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the governor may remove any of them on the address of two-thirds of each House of the general assembly.

Remarks:

The purpose of this amendment is similar to that of the amendment of the second section, to wit, to supply the express power to commission the judges, and to fix the time when their terms shall begin, which had been done in the amendment of 1850.

Article V, section 16. Strike out the entire section: Whenever two judges of the Supreme Court are to be chosen for the same term of service, each voter shall vote for one only; and when three are to be chosen, he shall vote for no more than two; candidates highest in vote shall be declared elected.

Remarks:

The purpose of this amendment is to return to a direct election of the people for the judges of the Supreme Court. The effect of the section as it stands is to deprive the people of an invaluable right—that of selecting those who administer their laws—and to invest it in an irresponsible body, unknown to any legitimate form of government, and subject to no correction. It is an anomalous, irregular and anti-Democratic expedient, to reach a purpose foreign to true principles of right government.

When two judges are to be chosen for the court in the last resort in which the final exposition of the laws should accord with the genius and sentiment of the whole people, no reason of sound principle or of public welfare should exclude the citizen from the choice of both.

Why should they be confined to a ballot for one, leaving the selection of the other to accident or the management of an irresponsible convention, or worse, perhaps, to the cunning manipulation of this uncertain, ungoverned collection of partisans. The novelty means simply that a minority, no matter how it is composed, shall make appointments to office. Great or small, its voice is all potent, no matter how accidental or how it misrepresents genuine public sentiment.

From the very nature of public affairs, they are certainly varying, necessarily requiring changes of administration to meet the popular will. When these changes come, why should not the popular voice be heard in the election of judges in accord with the people themselves. But this invention seeks to repress the popular will by taking from the citizen one of his ballots and striking down his power to oppose any one he may deem bad or unfit. It is his right, necessary to the enjoyment of true liberty, to vote against as well as for candidates. But this device takes away that power.—There is no longer a contest before the people wherein the citizen may strike the unfit man of his own party by voting for his opponent; and no matter how he casts his single ballot, the incompetent or unfit man, by an ingenious stroke of art, is successful ere the election has begun. Nor is the right vain or useless, since four times have the people abandoned party lines in voting for Supreme Judges after the amendment of 1850 had invested them with the power of choice.

The people have had no opportunity of voting directly upon this anomaly. We think the opportunity should be given to them, and we have therefore reported an amendment to strike out the sixteenth section of the fifth article.

Article V, section 18th. Insert after the words "paid by the State," at the end of the first clause, the following: "Such compensation may be increased but shall not be diminished during their continance in office."

The section will then read: The judges of the Supreme Court and the judges of the several courts of common pleas and all other judges required to be learned in the law, shall at stated times receive for their services an adequate compensation, which shall be fixed by law and paid by the State. Such compensation may be increased, but shall not be diminished during their continuance in office.

Remarks:

Without this amendment any increase in the salaries of the judges can be made only prospectively. The effect of such an increase would be to exclude from its benefits all the experienced judges in the Commonwealth, and to admit to its benefits only the newly elected and inexperienced. It might happen that the judges of the court of last resort should be in the receipt of different salaries, of which that of the Chief Justice would be the smallest and that of the youngest justice the largest. So great an injustice could not have been intended and should be relieved against.

This amendment leaves the whole subject in the hands of the legislature, to be disposed of as the changing circumstances of the Commonwealth shall render expedient and just.

The provision prohibiting diminution of salary during a judge's continuance in office is borrowed from the former constitution. It has always been recognized as necessary to preserve the independence of the judiciary. The judiciary has been esteemed the weakest department of the government. It has neither patronage nor political influence, and is often the object of attack in times of high excitement. The power of another department, the legislature, over the salaries of those who fill the offices of judges is at variance with the great American theory of the division of government into three independent branches, the law making, the law deciding, and the law executing departments; and one which can be exercised with tremendous effect in controlling judicial decisions. While in ordinary times no danger is to be apprehended, yet in times of high partisan excitement the exercise of the power is easily possible and might be attempted.

Article V, section 21. Strike out the words "as herein provided" at the end of the sec. and substitute the following:

"Of prothonotaries of the Supreme Courts, criers, tipstaves, auditors, commissioners to take testimony, examiners, masters in chancery, and such other officers necessary in the administration of justice in the said court as shall be provided by law."

"The prothonotaries of the Supreme Court shall hold their offices for a term of three years, if they shall so long behave themselves well, and until their successors shall be appointed and qualified; but may be removed by the said court for misbehavior in office or upon conviction of any infamous or disgraceful offense."

The section will then read:

"No duties shall be imposed by law upon the Supreme Court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof, exercise any power of appointment except of prothonotaries of the Supreme Court, criers, tipstaves, auditors, commissioners to take testimony, examiners, masters in chancery, and such other officers necessary in the administration of justice in the said court, as shall be provided by law. The prothonotaries of the supreme court shall hold their offices for a term of three years, if they shall so long behave themselves well, and until their successors shall be appointed and qualified; but may be removed by the said court for misbehavior in office or upon conviction of any infamous or disgraceful offense. The court of *nisiprius* is hereby abolished, and no court of original jurisdiction to be presided over by any one or more of the judges of the supreme court shall be established."

Remarks:

The words in the section "except as herein provided" evidence the intention of the convention to specify afterwards the appointments to be made by the court. It was not done, however, probably from mere oversight, but the express denial of *any power* of appointment, as the section stands, raises a serious question as to the power of the court to appoint even those officers necessary for the administration of justice. The purpose of the amendment is to do what the convention doubtless intended to do. The power of the appointment of the prothonotaries of the court was possessed under the Constitution of 1838 and evidently was not intended to be taken away.

Indeed the control of these officers is too important, the State Treasury having already been benefitted by it in the settlement of their accounts.

Article VIII, section 17th. Strike out the words "members of the general assembly" in the first clause, and insert after the word "thereto," at the end of the second clause, the following:

"At the trial of a contested election of a Senator or Representative before a committee of either House, a judge of the Supreme Court shall preside, and shall decide questions regarding the admissibility of evidence, and shall at the request of the committee pronounce his opinion upon the questions of law involved in the trial."

The whole section will then read as follows:

The trial and determination of contested elections of electors of President and Vice President, and of all public officers, whether State, judicial, municipal or local, shall be by the courts of law or by one or more of the law judges thereof; the general assembly shall by general law designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto. At the trial of a contested election of a Senator or Representative before a committee of either House, a judge of the supreme court shall preside, and shall decide all questions regarding the admissibility of evidence, and shall at the request of the committee pronounce his opinion upon the questions of law involved in the trial; but no such law assigning jurisdiction of regulating its exercises shall apply to any contest arising out of an election held before its passage.

Remarks:

The words "members of the general assembly" in the section, are in direct conflict with the last clause of the ninth section of the second article, which declares that "Each House shall judge of the election and qualification of its members." One or the other provision must give way, and it has been deemed better to leave each House to judge of its members, rather than to send the trial to another tribunal. But to guard against an unjust exercise of the power in a trial before a committee, we propose to amend by placing at the head of it a judge of the supreme court (assigned thereto by the court itself,) in analogy to the seventeenth section of the fourth article, from which the amendment is chiefly taken.

Article IX., section 1st. Insert after the words "corporate profit," in the last line but one, the following:

"Property owned by colleges, academies and other institutions of learning not used for private gains," and add at the end of the section the words "and hospitals."

The sections will then read:

"All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general law; but the general assembly may by general laws exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, property owned by colleges, academies and other institutions of learning not used for private gain, institutions of purely public charity, and hospitals."

Remarks:

The purpose of this amendment is to enable the legislature in the exercise of their sound discretion to exempt institutions of learning from taxation. Education is a State interest, and its benefits belong to the people. When an institution of learning is used for its proper end, and not for private gain, it subserves the welfare and best interest of the people themselves.

There is no sound reason why such institutions should be taxed. They radiate their benefits in another and better form by diffusing what is more valuable to the community than money returned by taxation into the public treasury at the expense of the ability of those institutions to obtain their greatest good. Many of the colleges of this State have been founded or largely endowed through the munificent donations of private citizens. A policy which would permit such institutions to be taxed, would be illiberal and an unjust imposition upon private benefactions tending to their repression and to public injury.

Article IX, section 8th. Strike out the words "*at any one time*" in the last line of the section.

Remarks:

The purpose of this amendment is to limit the aggregate indebtedness which a city may contract to ten per centum. As the section stands it is open to a doubt whether there is any limit to the amount of the indebtedness which a city may contract, if its debts exceed seven per centum at the time of the adoption of the constitution. An inference might be drawn from the words "*at any one time*" that the intent of this part of the section was merely to limit the amount of the addition to be made to the debt, *at a given time*, leaving no limit to the *manner* of additions to be made, or upon the total amount of indebtedness.

Article XIV, section 6, amended by adding at the end of the section the following:

"All fines and penalties shall be paid to the treasurer of the proper county."

Remarks:

The purpose of this amendment is to correct an irregularity arising from the present laws disposing of fines and penalties. In some counties these are appropriated to a single school district or to a law association, or to other purposes. The expenses of the administration of justice are borne by the people of the whole county. It is but equitable that the results of this administration should be distributed equitably to the whole population and not to individuals, or to particular districts or persons. In one of the counties of the Commonwealth, at the fall term of 1874, fines amounting to nearly one thousand eight hundred dollars, were by a local law diverted from the county treasury to that of the county town. A leading thought of the convention was the introduction of uniformity into the laws of the State, and this is evidenced among other provisions by section 26 of the fifth article, declaring that all laws relating to courts shall be general and of uniform operation.

Article XIV, section 7. Strike out this section:

Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand eight hundred and seventy-five and every third year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled by the court of common pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.

Remarks:

The objections to this section are serious and practical. The system of county management has always been a matter of law, and wisely so as absolutely necessary to accomodate it to the changes in times, places and circumstances. But this section establishes an unalterable and fundamental rule, which no exigency can modify or dispense with. It also destroys all experience and knowledge acquired in the management of county affairs, by turning out the whole board of commissioners or auditors at one and the same time. Under the old system two commissioners or auditors always remained in office to preserve the skill and knowledge acquired in the service. By the wholesale turning out required by the section, the clerk becomes practically the board of commissioners, and these, when coming in altogether, must look to him for guidance in their duties. The auditors have not even this aid, but must endeavor to settle the accounts of the officers with the small knowledge that plain and unlearned men have, who, in the country generally, fill the office of auditors.

The purpose of the section was to adapt the system to the new mode of voting. It seems to us the good proposed to be gained by it bears no proportion to the evils it will entail.

If the people really desire to elect these officers in the mode proposed by this section this will leave them at liberty to do so. They can pass laws providing for their election upon the cumulative plan or the restricted if they please. If, after trying the experiment, they should conclude that it it was not best to continue it they could abandon it without waiting to change the constitution. The section was at best but an experiment, and experiments are more easily and safely tried in the statutes than in constitutional provisions.

Article XVI, section 4th. Strike out the whole section:

In all elections for directors or managers of a corporation each member or share-holder may cast the whole number of his votes for one candidate or distribute them upon two or more candidates as he may prefer.

Remarks:

Article XVI, section 4th. This section is very obscure and difficult to interpret.

In ordinary corporation elections each stockholder casts a certain number of votes for each candidate, the number of votes being governed by the number of shares he holds. No matter how many directors or managers there may be, his right is to cast the whole vote for every one, because he has the same right of selection of every one who is to manage his affairs as a corporation. But by the terms of the section he can cast the whole number of his votes for only one director, and if there be more than one he must *distribute* his votes among them. If there be seven directors (and oftentimes there are twelve or more and if he have three shares, or three votes, he can, according to the new rule in the section, cast these three votes, at most, for only three directors.

He is thus deprived of voting for all the others, and even when he has as many votes as candidates, he is compelled to distribute them in such manner that he loses the power he had hitherto. The proceeding is exceedingly anomalous, and restrains rather than enlarges the power of the shareholder.

If the purpose of the draftsman of this section was to provide that each shareholder might "cumulate" upon *one* candidate, the whole number of votes he can cast *for all* the directors, if voting upon all his shares of stock for each director, it would appear that it is not accomplished well. Either the purpose of the section is not clear, or it is imperfectly expressed.

Article XVI, section 5th. Strike out the words "do any" in the first line, and insert the words "engage in" in lieu thereof.

The section will then read:

No foreign corporation shall engage in business in this State without having one or more places of business, and an authorized agent or agents in the same, upon whom process may be served.

Remarks:

The purpose of this amendment is to obviate an interpretation, which would prevent a foreign corporation from doing any *single* act relating to its affairs without complying with the requirements of the section. A corporation not intending to engage in business in the State may find it necessary to do a particular act not within the mischief to be remedied.

Article XVI, section 10. Strike out the last clause, to wit, the words, "No law hereafter enacted shall create, renew or extend the charter of more than one corporation."

Remarks:

The purpose of this amendment is to harmonize the section with the provision in the 7th section of the 3d article, that the general assembly shall not pass any local or special law "creating corporations or amending, renewing or extending the charters thereof." According to the 7th section of the 3d article, the Legislature can pass no special law to create, extend or renew charters. Yet from the terms of the last clause of the 10th section of the 16th article, an inference might be drawn that a special act could be passed if it contained a charter of not more than one corporation.

The 3d section of the 3d article confines legislation to single subjects. The last clause of this 10th section is useless and its removal will prevent apparent conflict.

Article 17th, section 9th. Amended by inserting the words "or extended" between the word "constructed" and the word "within."

The section will then read;

"No street passenger railway shall be constructed, or extended, within the limits of any city, borough or township, without the consent of its local authorities."

Remarks:

The purpose of this amendment is to embrace a case as clearly within the evil to be remedied as that now provided for in the section. An existing passenger railway constructed with the assent of the city over certain streets may, without its assent, be extended to other streets to the great injury of the public. The well known legislation to enable the Union Passenger railway company in Philadelphia to extend its railway into Market street, between Front and Ninth streets, affords an illustration of the omission intended to be supplied by the word "*extended*."

We shall now direct attention to some matters discussed, but not acted upon. Before doing so, in view of the future as well as for the present information of the legislature and the public, it is proper to refer to the workings of the commission. At its first business meeting (July 3, 1874), after discussing the best plan of proceeding, it was determined that each commissioner should examine the new constitution in detail and present his views in writing for consideration at the next meeting (Sept. 1, 1874). The effect was to bring every section of the instrument into review. This required many days of chamber work for which no charge has been made. The expense of this commission is therefore not large, being confined to nine days of actual sessions, and the traveling to and fro.

The first and most important subject requiring notice, is the business of the supreme court. From lists furnished by the prothonotaries of the eastern, middle and western districts, it appears that the total number of cases on the argument lists for 1873 was nine hundred; and on the lists of 1874, eleven hundred and seventy-five.

These are exclusive of arguments upon motions, etc, etc. It is evident that the court cannot keep up with the business of the State. The increase of the number of judges will add nothing to the dispatch of business. All the judges must sit to hear the arnuments, each must examine every case for himself, and must consult first upon the causes and then on the opinions as written.

The division of labor, in the writing of opinions merely, cases individual labor out of court but does not lessen the duties otherwise. Some remedy must be devised, else there will be a denial or a delay of justice, contrary to the 11th section of the bill of rights. It was proposed to establish a system of district courts of errors and appeals, to be held by the presidents of the common pleas of a certain number of adjoining districts; but discussion led to the unanimous opinion that the system would promote litigation, produce contrariety of decision in different districts, render the law uncertain, and introduce evils greater than the good to be accomplished.

We need only refer to the experience of New York in reference to her system of district supreme courts, and her high courts of errors and appeals, the same in principle and effect as the system proposed for Pennsylvania.—But we mean only to allude to this subject, and not to discuss it.

The judicial system of Pennsylvania is remarkable for its simplicity and effectiveness, and ought not to be departed from. We understand it; a new one we may not, and it would only be an experiment, which had better be made by law than in a constitution.

All that is needed is to prevent the useless flood of litigation forcing its current upward into the court of the last resort. The remedy is in the hands of the legislature. Writs of error and appeal may be limited by the sum in controversy—say five hundred dollars with an exception as to constitutional questions, and such others as the court below shall certify it verily believes to be important and necessary to be carried up. It is argued that the poor should be entitled to litigate as well as the rich.

But this is a mere surface reason and partakes more of demagogism than statesmanship. Where the public has furnished a sufficient tribunal of justice wherein all men's rights may be carefully considered and determined in a court of the most approved character, a trial of facts by their peers, and of law by an impartial and learned judge, the demands of justice are satisfied. Then the public have a right to an end of litigation and of expense.—One of the oldest maxims of public right and expediency is that—"*Interest republicæ, ut sit finis litrum.*"

The argument that a man is entitled to a second hearing can logically be used to demand a third. The interest of the public are higher than those of individuals, and hence there must be a limit at which the right to consume the public time and money must cease.

This limitation falls on the rich and poor alike, and no man, rich or poor, has a right to litigate at his pleasure. It is an assumption untrue in fact that errors are frequent. The large preponderance of judgments affirmed in the supreme court disproves the assertion.

The proportion of causes affirmed to those reversed in the year 1864 was seventy-seven per cent. or over three-fourths (¾).

Another subject of notice is found in the twenty-second section of the third article. Municipal debts should not be the subject of investment by executors, administrators, guardians or trustees. Such legislation is sometimes procured to make the bonds of small cities saleable. It is doubtful whether the bonds of such cities as Philadelphia and Pittsburgh should be made so. The moneys of widows, orphans, infants, the insane and others under disability should not be ventured upon the uncertain waves of city politics or plans.

The fourth section of the eighth article relating to elections was much discussed. Time has not yet tested the utility of the amendments in this section. From information we have reason to believe there are places where the numbering of the ballots has been omitted. This raises a serious question; how far the omission will invalidate the entire poll. The requisition is both a constitutional and a mandatory one. We simply call attention to this. It is said also that frauds are easily perpetrated, by substituting ballots in handling them for numb