

ELECTION PROCLAMATION.

GOD SAVE THE COMMONWEALTH.

WHEREAS, in and by the 19th section of the act of the General Assembly of Pennsylvania...

TUESDAY, DECEMBER 16, 1873.

Submitting the amended Constitution of Pennsylvania to a vote of the qualified electors...

And the qualified electors of the county of Elk will hold their elections in the several districts, as follows:

Benezette township, at the house of Elizabeth Wislizenus...

Highland township, at the house of Levi Ellithorpe...

Horton township, at the school house, near D. C. Oyster's hotel...

Jay township, at the house of Alfred Peasall...

Jones township, at the Wilcox farm and school house...

Millstone township, at the house of Henry Barr, at Barr's dam...

Ridgway township, at the court house, St. Mary's borough, at the town hall...

Spring Creek township, at the house of Stockdale, Bowser & Co.

I also make known the provision of the ordinance of submission...

Also, in the 11th section of said act it is enacted that every general or special election shall be opened between the hours of six and seven in the forenoon...

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qualified under existing laws, be entitled to vote at all general and special elections in this Commonwealth.

No person shall be permitted to vote whose name is not contained on the list of taxable inhabitants furnished by the commissioners unless he first produces a receipt for the payment within two years of State or county tax, assessed agreeably to the constitution, and give satisfactory evidence either on his own oath or the oath of another that he has paid such tax, or on failure to produce such receipt shall make oath of the payment thereof; if he claims to vote by being an elector between the ages of twenty-one and twenty-two years, he shall depose on oath or affirmation that he has resided in the State at least one year before his application, and make proof of his residence within his district as required by the act, and that he does verily believe from accounts given him, that he is of the age mentioned and give such other evidence as is required by the act, whereupon the name of the person so admitted to vote shall be registered in the alphabetical list by the inspector, and a note made opposite his name the word "tax," if he shall have been admitted to vote by reason of having paid tax, or the word "age," if he shall have been admitted to vote by reason of age, shall be called out to the clerks, who shall make like notes on the lists kept by them.

In all cases where the name of persons claiming to vote is found on the list furnished by the commissioners and assessors, and his right to vote, whether found thereon or not, is objected to by any qualified citizen, it shall be the inspectors' duty to examine such persons on oath as to his qualifications, and if he claims to have resided within the State or one year or more, oath shall not be sufficient proof thereof, but shall make proof thereof by at least one competent witness, who shall be a qualified elector, that he has resided within the district for the purpose of voting therein.

Every person qualified as aforesaid, and who shall make the due proof, if qualified at his residence in the township, ward or district in which he shall reside.

If any person shall prevent, or attempt to prevent, any officer of an election under this act from holding such election or use or threaten any violence to any such officer, or shall attempt to unlawfully interfere with him in the execution of his duty, or shall block up the window or avenue to any window where the same may be holding, or shall riotously disturb the peace at such election, or shall use or practice any intimidation or force, or violence, or shall design to influence unlawfully or overawe any elector, or to prevent him from voting, or to restrain the freedom of choice, such persons on conviction shall be fined in any sum not exceeding five hundred dollars, and be imprisoned for any time not less than one month or more than one year; and it shall be shown that the person so offending was not a resident of the city, ward, district or township where the said offence was committed, and not entitled to vote thereat, he shall on conviction be sentenced to pay a fine of not less than one hundred or more than one thousand dollars, and be imprisoned not less than six months or more than two years.

WHEREAS, by the act of the Congress of the United States, entitled "An act to amend the several acts and resolutions passed to provide for the enrolling and calling out the national forces, and for other purposes," and approved March third, one thousand eight hundred and sixty five, all persons who have deserted the military or naval service of the United States, and who have not been discharged or relieved from the penalty or disability therein provided, are deemed and taken to have voluntarily relinquished and forfeited their right to citizenship and their right to be admitted as citizens of the United States; and whereas, persons not citizens of the United States are not, under the constitution and laws of Pennsylvania, qualified electors of this Commonwealth.

Section 1. The right of citizens of the United States shall not be denied or abridged by the United States on account of race, color or previous condition of servitude.

Section 2. That Congress shall have power to enforce this article by appropriate legislation.

Section 3. That if any such judge and inspectors of election, or any one of them, shall receive or consent to receive any such unlawful ballot or ballots from any such disqualified person, he or they so offending shall be guilty of a misdemeanor, and upon conviction thereof in any court of quarter sessions of this Commonwealth he shall for each offence be sentenced to pay a fine of not less than one hundred dollars, and to undergo an imprisonment in the jail of the proper county for not less than sixty days.

Section 4. That if any person shall hereafter persuade or advise any person or persons deprived of citizenship and disqualified as aforesaid, to offer any ballot or ballots to the officers of any election hereafter to be held in this Commonwealth, or to persuade or advise any such officer to receive any ballot or ballots from any person deprived of citizenship and disqualified as aforesaid, such person shall be guilty of a misdemeanor, and upon conviction thereof in any court of quarter sessions of this Commonwealth shall be punished in like manner as is provided in the second section of this act in the case of officers of such election receiving such unlawful ballot or ballots.

NEW CONSTITUTION PROPOSED TO THE CITIZENS OF THIS COMMONWEALTH FOR THEIR APPROVAL OR REJECTION, BY THE CONSTITUTIONAL CONVENTION.

Published by order of the Secretary of the Commonwealth, in pursuance of the 4th section of an act of the General Assembly entitled "An act to provide for calling a Convention to amend the Constitution," approved the 11th day of April, A. D. 1872.

PREAMBLE.

We, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humble invoking His guidance, do ordain and establish this Constitution.

ARTICLE I.

SECTION 1. All men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

SECTION 2. 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 these 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.

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

SECTION 4. No person who acknowledges the being of a God and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

SECTION 5. Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

SECTION 6. Trial by jury shall be as heretofore, and the right thereof remain inviolate.

SECTION 7. The printing press shall be free to every person who may undertake 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.

SECTION 8. The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

SECTION 9. In all criminal prosecutions, the accused shall have the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have 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; 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.

SECTION 10. No person shall for any indictable offense be proceeded against criminally, by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, or in time of war or public danger, or by leave of the court, for oppression or misdemeanor in office. No person shall for the same offense be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use without authority of law, and without just compensation being first made or secured.

SECTION 11. All courts shall be open, and every man for an injury done him in his lands, goods, person or reputation, shall have remedy by 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, and in such cases as the Legislature may by law direct.

SECTION 12. No power of suspending laws shall be exercised unless by the legislature or by its authority.

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

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

SECTION 15. No commission of oyer and terminer or jail delivery shall be issued.

SECTION 16. The State shall be divided into fifty Senatorial districts of compact and contiguous territory, as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more districts of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio; but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths, and exceeding one-half of a ratio, and no county shall be divided into two or more Senators.

SECTION 17. The members of the House of Representatives shall be apportioned among the several counties by a ratio obtained by dividing the population of the State as ascertained by the most recent United States census by two hundred. Every county containing less than five ratios shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every county containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located. Every county entitled to more than four representatives, and every county having over one hundred thousand inhabitants, shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population, but no district shall elect more than four representatives.

SECTION 18. The General Assembly shall meet at twelve o'clock noon, on the first Tuesday of January every second year, and at other times when convened by the Governor, but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of a vacancy in the office of United States Senator from this Commonwealth, the Governor shall, by proclamation on notice not exceeding sixty days to fill the same.

SECTION 19. No Senator shall be at least twenty-five years of age, and Representatives twenty years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United States or of this State), and shall reside in their respective districts during their term of service.

SECTION 20. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this Commonwealth shall be a member of either house during his continuance in office.

SECTION 21. No person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crime shall be eligible to the General Assembly or capable of holding any office of trust or profit in this Commonwealth.

SECTION 22. The members of the General Assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either house shall, during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term.

SECTION 23. The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members president pro tempore, who shall perform the duties of the Lieutenant-Governor, in any case of absence or disability of that officer, and whoever the said officer of Lieutenant-Governor shall be vacant. The House of Representatives shall elect one of its members as Speaker. Each House shall choose its other officers, and shall judge of the election and qualifications of its members.

SECTION 24. A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SECTION 25. Each House shall have power to determine the rules of its proceedings and punish its members 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 powers 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.

SECTION 26. Each house shall keep a journal of its proceedings and from time to time publish the same, except such parts as 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 journal.

SECTION 27. The sessions of each house and of committees of the whole shall be open, unless when the business is such as ought to be kept secret.

SECTION 28. 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.

SECTION 29. The members of the General Assembly shall in all cases, except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

SECTION 30. The State shall be divided into fifty Senatorial districts of compact and contiguous territory, as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more districts of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio; but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths, and exceeding one-half of a ratio, and no county shall be divided into two or more Senators.

SECTION 31. The members of the House of Representatives shall be apportioned among the several counties by a ratio obtained by dividing the population of the State as ascertained by the most recent United States census by two hundred. Every county containing less than five ratios shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every county containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located. Every county entitled to more than four representatives, and every county having over one hundred thousand inhabitants, shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population, but no district shall elect more than four representatives.

SECTION 32. The General Assembly shall meet at twelve o'clock noon, on the first Tuesday of January every second year, and at other times when convened by the Governor, but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of a vacancy in the office of United States Senator from this Commonwealth, the Governor shall, by proclamation on notice not exceeding sixty days to fill the same.

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SECTION 34. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this Commonwealth shall be a member of either house during his continuance in office.

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