

THE NEW CONSTITUTION.

AMENDMENTS

To the Constitution of Pennsylvania.

Proposed by a Convention to a Vote of the People, for their ratification or rejection, on the Second Tuesday of October, 1836.

[Amendments in brackets.]

ARTICLE I.

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

Sec. 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.

Sec. 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 his election, and the last year thereof an inhabitant of the [district] in [and for] which he shall be chosen [a representative,] unless he shall have been absent on the public business of the United States or of this State.

Sec. 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, agreeably to the ratio which shall then be established.

Sec. 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 Representatives.

Sec. 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.

Sec. 7. The Senators shall be chosen in districts, to be formed by the Legislature; [but no district shall be so formed as to entitle it to elect more than two Senators, unless the number of taxable inhabitants in any city or county shall, at any time, be such as to entitle it to elect more than two, but no city or county shall be entitled to elect 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.

Sec. 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 be chosen, unless he shall have been absent on the public business of the United States or of this State; [and no person elected as aforesaid shall hold said office after he shall have removed from such district.]

Sec. 9. [The Senators who may be elected at the first General Election after the adoption of the amendments to the Constitution, shall be divided by lot into three classes. The seats 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; and of the third class at the expiration of the third year; so that thereafter one-third of the whole number of Senators may be chosen every year. The Senators elected before the amendments to the Constitution shall be adopted shall hold their offices during the terms for which they shall respectively have been elected.]

Sec. 10. The General Assembly shall meet on the first Tuesday of [January] in every year unless sooner convened by the Governor.

Sec. 11. Each House shall choose its Speaker and other officers; and the Senate will also choose a speaker pro tempore, when the speaker shall exercise the office of Governor.

Sec. 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.

Sec. 13. Each House may determine the rules of its proceeding, 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.

Sec. 14. [The Legislature shall not have power to enact laws annulling the contract of marriage in any case where, by law the courts of this Commonwealth are, or hereafter may be, empowered to decree a divorce.]

Sec. 15. 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.

Sec. 16. 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.

Sec. 17. 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.

Sec. 18. 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, felony and breach or surety of the peace, be privileged from arrest during their attendance at the session 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.

Sec. 19. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth which shall have been created, or the emoluments of which shall have been increased during such time; and no member of Congress or other person holding any office, (except of attorney at law and in the militia) under the United States or this Commonwealth, shall be a member of either House during his continuance in Congress or in office.

Sec. 20. When vacancies happen in either house the speaker shall issue writs of election to fill such vacancies.

Sec. 21. No money shall be drawn from the treasury but in consequence of appropriations made by law.

Sec. 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 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 that House, it shall be a law. But in such cases the yeas and nays of the members 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, prevented its return, in which case it shall be a law, unless sent back within three days after their next meeting.

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 be disapproved, shall be re-passed by two-thirds of both Houses according to the rules and limitations prescribed in case of a bill.

[Sec. 24. 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 be disapproved, shall be re-passed by two-thirds of both Houses according to the rules and limitations prescribed in case of a bill.]

[Sec. 25. No corporate body shall be hereafter created, renewed or extended with banking or discounting privileges, without six months previous public notice of the application for the same in such manner as shall be prescribed by law. Nor shall any charter for the purposes aforesaid, be granted for a longer period than twenty years, and every such charter shall contain a clause reserving to the Legislature the power to alter, revoke or annul the same, whenever in their opinion it may be injurious to the citizens of the Commonwealth, in such manner, however, that no injustice shall be done to the incorporators. No law hereafter enacted, shall create, renew, or extend the charter of more than one corporation.]

ARTICLE II.

Sec. 1. The supreme executive power of this Commonwealth shall be vested in a Governor.

Sec. 2. The Governor shall be chosen on 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.

Sec. 3. The Governor shall hold his office during three years from the third Tuesday of [January] next ensuing his election, and shall not be capable of holding longer than [six] in any term of [nine] years.

Sec. 4. He shall be at least thirty years

of age, and have been a citizen and an 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 this State.

Sec. 5. No member of Congress or person holding any office under the United States or this State, shall exercise the office of Governor.

Sec. 6. The Governor 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.

Sec. 7. 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.

[Sec. 8. He shall appoint a Secretary of the Commonwealth during pleasure, and he shall nominate and by and with the advice and consent of the Senate appoint all judicial officers of courts of Record, unless otherwise provided for in this Constitution. He shall have power to fill all vacancies that may happen in such judicial offices during the recess of the senate, by granting commissions which shall expire at the end of their next session: Provided, That in acting on executive nominations the senate shall sit with open doors, and in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays.]

Sec. 9. He shall have power to remit fines and forfeitures, and grant reprieves and pardons, except in cases of impeachment.

Sec. 10. He may require information in writing, from the officers in the executive department, on any subject relating to the duties of their respective offices.

Sec. 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.

Sec. 12. 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 them to such time as he may think proper, not exceeding four months.

Sec. 13. He shall take care that the laws be faithfully executed.

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.

Sec. 15. [The Secretary of the Commonwealth] 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 him by law.

ARTICLE III.

[Sec. 1. In elections by the citizens, every white freeman of the age of twenty-one years, having resided in this State one year, and in the election district where he offers to vote, ten days immediately preceding such election, and within two years paid a state or county tax, which shall have been assessed at least ten days before the election shall enjoy the rights of an elector. But a citizen of the United States, who had previously been a qualified voter of this State, and removed therefrom and returned, and who shall have resided in the election district, and paid taxes as aforesaid, shall be entitled to vote, after residing in the State six months: Provided, That white freemen, citizens of the United States, between the age of twenty-one and twenty-two years, and having resided in the State one year, and in the election district ten days as aforesaid, 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 of surety of the peace, be privileged from arrest, during their attendance on elections, and in going to and returning from them.

ARTICLE IV.

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

Sec. 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.

Sec. 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, un-

der this Commonwealth; The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

ARTICLE V.

Sec. 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, 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.

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 shall 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 shall so long behave themselves well. The Associate judges of the Courts of Common Pleas shall hold their offices for the term of five years if they shall so long behave themselves well. But for any reasonable cause which shall not be sufficient ground of impeachment, the Governor may remove any of them on the address of two-thirds of each branch of the legislature. The judges of the Supreme Court, and the presidents 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.]

Sec. III. [Until otherwise directed by law, the Courts of Common Pleas shall continue as at present established. Not more than five counties shall at any time be included in one judicial district organized for said Courts.]

Sec. IV. 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.

Sec. V. 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.

Sec. VI. The Supreme Court, and the several courts of common pleas, shall, beside the powers heretofore usually exercised by them, have the power of a court of Chancery, so far as relates to the perpetuating of testimony, the obtaining of evidence from places not within the State, and the care of the persons and estates of those who are non compos mentis. 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.

Sec. VII. 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.

Sec. VIII. 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 proceeding to be brought before them, and the like right and justice to be done.

Sec. IX. 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.

Sec. X. 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.

Sec. XI. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions 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.

Sec. I. 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 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 [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.

Sec. II. The freemen of this Commonwealth shall be armed, [organized] and disciplined for its defence, [when and in such manner as may be directed by law.] Those who conscientiously scruple to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. III. [Prothonotaries of the Supreme Court shall be appointed by the said Court for the term of three years if they so long behave themselves well. Prothonotaries and clerks of the several other courts, [Recorders of deeds, and Registers of wills, shall at the times and places of election of representatives, be elected by the qualified electors 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, 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 appointments to be made by the Governor, to continue until the next general election, and until successors shall be elected and qualified as aforesaid.]

Sec. IV. Prothonotaries, clerks of the peace and orphans' courts, 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, unless when the Governor shall, for special reasons, dispense therewith, for any term not exceeding five years after the county shall have been erected.

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

Sec. VI. [A] State Treasurer shall be [elected] annually, by joint vote of [both branches of the legislature.]

Sec. VII. [Justices of the peace or aldermen shall be elected in the several wards, boroughs, and townships at the time of the election of constables by the qualified voters thereof, in such number as shall be directed by law, and shall be commissioned by the Governor for a term of five years; but no township, ward or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough.]

Sec. VIII. [All officers whose election or appointment is not provided for in this constitution, shall be elected or appointed as shall be directed by law. No person shall be appointed to any 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 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 or appointment 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 officers are incompatible. No member of the Senate or of the house of representatives shall be appointed by the Governor to any office during the term for which he shall have been elected.]

Sec. IX. [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; and shall be removed on conviction of misbehaviour in office or of any infamous crime.]