

Master of the hall, or, unless the Governor shall direct, the President of the Senate, or the Speaker of the House, or any other person, in which case it shall not be a law.

XXVI. 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 Governor, and before the same shall take effect, be approved by him; or, being disapproved by him, shall be repassed by three fifths of the Senate and House of Representatives, according to the rules and limitations prescribed in case of a bill.

#### ARTICLE II.

Section I. The Supreme Executive power of this Commonwealth shall be vested in a Governor.

II. He shall hold his office during the term of three years; and shall be chosen on the Tuesday of October in every third year, by the citizens throughout the Commonwealth, at the places where they shall respectively vote for Representatives.

III. He shall not be capable of holding his office longer than six years successively; nor shall he be capable of being elected again till three years after the nine successive years shall have been expired.

IV. He shall be, at least, thirty years of age; and he must have been an inhabitant of this State during seven years before his election.

V. No person shall be capable of exercising the office of Governor, who at the same time, shall hold any other office under this State, or any office under the United States.

VI. 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.

VII. He shall be Commander in Chief of the Army and Navy of this Commonwealth, and of the militia; and may, when they shall be called into the actual service of the United States.

VIII. He shall appoint the Chancellor, Judges, Prothonotaries, Clerks, and all other officers of this Commonwealth, 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 resided therein one year next before his appointment.

IX. The Governor shall commission all the officers of this Commonwealth.

X. He may require the opinion, in writing, of the officers in each of the Executive Departments, upon any subject relating to the duties of their respective offices.

XI. 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 necessary or expedient.

XII. He may, on extraordinary occasions, convene both Houses; and in case of disagreements between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper.

XIII. He shall take care that the laws be faithfully executed.

XIV. In case of the removal of the Governor from office; or of his death, or resignation, it shall devolve on the Speaker of the Senate until the next annual election of Representatives, when another Governor shall be chosen in the manner herein before provided.

XV. The State Treasurer shall be appointed in the manner prescribed by the twenty-sixth section of the first article of this Constitution: All subordinate officers in the Treasury Department, Election Officers, Officers relating to the poor and highways, Constables and other township officers, shall be appointed in such manner as shall be directed by law.

#### ARTICLE III.

Section I. IN elections by the citizens, every freeman of the age of twenty-one years, having resided in the State two years next before the days of the elections respectively, and paid taxes within that time, shall enjoy the rights of an elector. The sons of freemen, of the age aforesaid, shall be entitled to vote, though they have not paid taxes.

II. All elections shall be by ballot, except those by persons in their representative or public capacities; which shall be otherwise directed.

III. If elections are not properly attended; attendance on them shall be enforced by law.

#### ARTICLE IV.

Section I. THE HOUSE OF REPRESENTATIVES shall have the sole power of impeachment.

II. All impeachments shall be tried before the Senate; and the Chancellor of the Commonwealth shall preside therein. When sitting for that purpose, the Senate shall be on oath or affirmation: No person shall be convicted without the concurrence of two thirds of the members present.

III. Judgment in case of impeachment shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit under this Commonwealth; but the party convicted shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

#### ARTICLE V.

Section I. THE JUDICIAL Power of this Commonwealth shall be vested in a High Court of Chancery & a Supreme Court, the jurisdiction of each of which shall extend over the State; in the Court of Chancery and of Oyer and Terminer and General Goal Delivery herein after mentioned; in a Court of Common Pleas; Orphans' Court, Register's Court, and Court of Quarter Sessions for each county; and in such other courts as the Legislature may, from time to time, establish. But no special commission of Oyer and Terminer or Goal Delivery shall be issued.

II. The Chancellor of the Commonwealth, the Judges of the Supreme Court, and the Judges of the several Courts of Common Pleas shall be commissioned and 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: But the Governor may remove any of them on the address of two thirds of each branch of the Legislature.

III. The Chancellor, in addition to the other powers & duties of his office, shall cause to be tried by a jury such material facts as either party shall require to be found, provided a specification of the facts be made in writing.

IV. The Supreme Court and the several Courts of Common Pleas shall, besides the powers aforesaid, exercise by such courts, have the powers of a Court of Chancery so far as relates to the obtaining of evidence from places without the State.

V. Until it shall be otherwise directed by the Legislature, the several Courts of Common Pleas shall be established by law, be divided into circuits, any of which shall not include more than

conities: A President shall be appointed for the several courts in each circuit, who, during his continuance in office, shall reside within each circuit; and one Judge shall be appointed from every county within each circuit, who, during his continuance in office, shall reside within such county: Such Presidential Judges, or any three of them, shall be the Judges who shall compose the several Courts of Common Pleas.

VI. The Judges of the Courts of Common Pleas respectively, during their continuance in office, shall, the President being one of them, be Justices of Oyer and Terminer and General Goal Delivery, for the trial of capital and other offenders, for each of the counties within the said circuits respectively: But they shall not hold a court of Oyer and Terminer and General Goal Delivery in any county, when the Judge of the Supreme Court, or some of them, shall be sitting in the same county.

VII. The Judges of the Courts of Common Pleas respectively shall, during their continuance in office, be Justices of the Courts of Quarter Sessions for each of the counties within the said circuits respectively: And they shall, when sitting in a county, compose the Orphans' Court and Register's Court for that county: But the Judge, who shall reside therein, and the Register of Wills may, at all other times, hold said Courts, subject to the revision and decrees of the Orphans' Court upon appeal or otherwise.

VIII. The Judges of the Courts of Common Pleas shall have the like powers with the Judge of the Supreme Court to issue writs of Certiorari to the Justices of the Peace within the several counties respectively, and to cause their proceedings to be brought before them, and the like right, and justice to be done.

IX. The Judges of the Courts of Common Pleas shall be Conservators of the Peace within the several counties of the circuit courts, in which they shall be empowered to hold Courts.

X. A Court of Chancery shall be established within each of the said circuits, except that, in which the High Court of Chancery shall be finally held, and the President of the said Court of Common Pleas respectively shall hold the same, and be filled the Chancellor of such circuit: He shall possess and exercise therein the like powers with the Chancellor of the Commonwealth, except the power of granting injunctions to stay the proceedings, or suspend the judgments of any common law courts: The mode of proceeding shall be the same as shall be used in the High Court of Chancery. From any interlocutory or final decree in the Chancery of any circuit, there shall be an appeal to the Chancellor of the Commonwealth.

XI. A competent number of Justices of the Peace for each county shall, from time to time, be appointed by law; and the citizens of each county respectively shall, at the general election, choose double that number, or of the vacancies that may happen, and return their names to the Governor, who shall appoint and commission for

years, if so long they behave themselves well, half of the number to be elected and returned: But this mode of appointment may be altered as the Legislature shall, by law, direct.

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

XIII. Prothonotaries, Clerks of the Peace and Orphans' Courts, Records 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. And circuit officers shall keep their offices in some county town within their circuits respectively.

XIV. The file 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 shall conclude *against the peace and dignity of the same*.

#### ARTICLE VI.

Section I. SHERIFFS and Coroners shall, at the pleasure of the election of Representatives, be chosen for three years, by the citizens of each county respectively; two persons shall be chosen for each office, one of whom for each, shall be commissioned by the Governor; no person shall continue in the office of Sheriff more than three years successively.

II. The freemen of this Commonwealth shall be armed and disciplined for its defence: The militia officers shall be appointed in such manner, and for such time, as shall be, by law, directed.

#### ARTICLE VII.

ALL debts contracted and engagements entered

into, before the establishment of this Constitution, shall be valid against the Commonwealth, under this Constitution, as they have been heretofore.

#### ARTICLE VIII.

Section I. A SCHOOL or schools shall be established in each county for the instruction of youth, and the State shall pay to the masters such salaries, as shall be determined by law, subject to the approval of the Legislature.

II. The arts, sciences and liberal studies shall be promoted in one or more Universities.

III. Religious societies and corporate bodies shall be protected in their rights, immunities and franchises.

#### GOVERNOR'S SPEECH.

At twelve o'clock, on Tuesday the 19th inst. His Excellency the Governor, agreeably to assignment, came down to the Chamber of the House of Representatives attended by the Secretary of the Commonwealth; and where the Senate had previously assembled—when His Excellency was pleased to deliver the following

#### SPEECH:

*Gentlemen of the Senate, and  
 Gentlemen of the House of Representatives,*  
I DIRECTED the Secretary on the 14th inst. to lay before you the proceedings of the Congress of the United States of America in their late session; and other papers which I thought it necessary to communicate to you.

It is in compliance with the duties of the office I am honored with; and from the respect I have for you personally, and from the regard I feel to you as Representatives of my fellow-citizens the people of the Commonwealth, that I have proposed this interview.

I congratulate you, gentlemen, on the accession of another year to our Union; and am happy to say, that I am persuaded that the wisdom and tried patriotism of the Citizens of Rhode-Island, will very soon complete the Union of all the Independent States of America, under one system of general national government;—the due administration of which, cannot fail to render them respectable abroad, and to establish peace and harmony between them at home. Every patriot will rejoice to see all these States, which have most nobly contended for civil freedom, uniting in their endeavors to preserve, and in their measures to enjoy, the invaluable blessings which flow from it.

The Acts, and proceedings of Congress, which the Secretary has laid before you, contain propositions for amendments in the Constitution of the United States. They are submitted to your deliberations, on the part of our constituents; and there can be no necessity of any other call to awaken your attention, than the interests they have in them.

I shall not be particular in my remarks on these propositions. As government is no other than the United consent of the people of a civil community, to be governed in a particular mode, by certain established principles, the more general the union of sentiment is, the more energetic and permanent the government will be.—Upon this idea, the adoption of some of the proposed amendments becomes very important; because, the people of this Commonwealth, felt themselves abused by the proceedings of their Convention, which raised the seventh, eighth and ninth articles appear to me to be of great consequence. In all free governments, a share in the administration of the laws ought to be vested, or referred to the people; this prevents a government from verging towards despotism, secures the freedom of debate, and supports that independence of sentiment, which dignifies the citizen, and renders the government permanently respectable. The institutions of grand and petty Juries are admirably calculated to produce these happy effects; and to afford security to the best rights of men in civil society. These articles, therefore, I believe will meet your ready approbation: Some of the others appear to me as very important to that personal freedom which is so truly characteristic of a free government.

Since the adjournment of the Legislature the President of the United States has been pleased to honor the Commonwealth with a visit; upon to pleasing an occasion I thought it to be my indispensable duty, with advice of the honorable council, to receive him with all the attention due to his personal merit, and illustrious character; and to the high and important office which he sustains with so much dignity; as well as in a manner suited to the consequence of the Commonwealth, and I feel myself assured, that we shall meet your entire approbation in our proceedings. Upon so pleasing an occasion, the people of every description joined with each other, in paying their respects to the Man, who with such magnanimity, wisdom and firmness, led the successful armies of their country, in their late perilous contest.

Within the same time, the Chief Justice of the Supreme Judicial Court of the Commonwealth, and one other of the Judges of that Court, have been appointed by the PRESIDENT of the United States, to offices under the government wherein he presides; in consequence of which, they have resigned the commissions they held under this government. I shall endeavor to fill the vacancies occasioned by those resignations, with men of integrity, learning and ability, that the judicial power of the government may still retain that eminent degree of respectability for which it has been revered; and fill hold that confidence in the public mind, which has so happy an effect upon the tranquility of the State. You will readily agree with

me, Gentlemen, when I say, that the freedom of people, and the protection of their rights, persons a property, essentially depend upon the respectability of their government. The general Government well calculated to direct the great national concerns of the confederated Republic, but the line which sides the authority of that, and the government of the Commonwealth is well described in the Constitution and ought to be obviously established, and carefully maintained; and such provisions ought to be made for the ample administration of Justice, amongst the citizens of the Commonwealth, that all reasonable men will be satisfied, nor indulge a wish to derive aid from any other tribunal, than those the State provides.

From the information I receive from various parts of the State, I am inclined to believe that the plan lately adopted, of having but two Courts of Common Pleas, and two Courts of Sessions annually in each county, will not have the salutary effects which were expected from it; and that more Courts, in nearly all the counties, will be of great advantage to the people. Your acquaintance with the subject, enables you to decide with propriety upon it; to you I submit it, with only this observation, that the great end of government is the regular administration of Justice; and this, as expressed in our Constitution, ought to be done promptly and without delay.

I congratulate you with great pleasure, Gentlemen, upon the happy situation of our country; but the pleasing prospects afforded us by Divine Providence, ought not by no means to be the occasion of our relaxing in our endeavors for the public weal. It would be very extraordinary if we, as a nation, should remain exempt from those foreign or domestic troubles, with which other nations are frequently visited. Notwithstanding a general Government is well established by the free consent of the people, we are to continue to support our own government, with unabating anxiety for its welfare and prosperity: Indeed, the general government of the United States is founded in an alliance of Republican Governments; and it depends essentially on them, not only for its dignity and energy, but for its very existence in the form it now possesses; therefore, whatever is done to support the Commonwealth, has a tendency to advance the interest and honor of all the States. Hence we are called upon, in an especial manner, to maintain an equal and regular system of revenue and taxation, to support the faith, and to perform the engagements of our Republic; to arm and equip our Militia to be disciplined according to the mode which shall be prescribed by Congress; and to see that they are exercised with men, who are capable of making the greatest progress in the art military, and who delight in the freedom and happiness of their country. A well regulated and disciplined Militia, is at all times a good objection to the introduction of that baneful and free government—a standing army.

Our happiness so essentially depends upon the management of literature, and the dissemination of useful knowledge, that the fathers of the people will always have them in their view: And give me leave to add, that our safety, ease and prosperity, may be promoted by cultivating peace and harmony amongst the people of every denomination in the Commonwealth.

Let us unite frequently with all our brethren who possess this good land which God was pleased to give our forefathers, in reflecting upon the trials we have been supported under; upon the dangers we have been delivered from; and let us adore and praise Him who has been our deliverer, for his goodness vouchsafed to us, in giving us success and victory, and in making us an independent and prosperous nation; for his smiling in a peculiar manner upon all our attempts for the achievement of political and civil institutions. And of gratitude may a true spirit of piety and virtue be every day here seen and encouraged.

*Gentlemen of the Senate, and  
 Gentlemen of the House of Representatives,*  
I am blessed with any talents that may be useful to my country; I do not heartily assure you, that I can derive no greater pleasure from any circumstance, than from the improvement of them to the best of my ability: And I shall do every thing in my power, to render the present session useful to my fellow-citizens, as well as pleasant and agreeable to you.

JOHN HANCOCK.

Senate Chamber, Jan. 19, 1790.

#### Proceedings of Congress.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 9.

A LETTER from the Secretary of the Treasury was read, informing the House, that agreeably to their resolution of 21st of Sept. 1789, he had prepared a report, respecting the Finances, with a plan for the support of the public credit, and requested to know at what time the House would please to receive the same.

The time and manner of receiving this communication, was made a subject of debate. It was contended by some members that there was the greatest propriety in the Secretary's delivering it in person, and giving a verbal explanation of the several parts;—it could not be supposed that the members could fully comprehend a system so various and complex, without its being accompanied with an explanation: That subjects of this kind are in their nature intricate—the House would want information, and must wish to receive it from the best source.

A resolution was proposed that the Report should be received on Thursday next, accompanied with such reasons and explanations as might be necessary, stated

by the Secretary of the Treasury, and that the Report should be presented by the House, to the President of the United States, in answer to his speech to be delivered, with assurances that this House will, with delay, proceed to take into their serious consideration the various and important matters recommended therein.

This resolution being agreed to by the House, the following gentlemen were appointed a committee, to prepare the address, Mr. Smith, (S. C.) Mr. Clym and Mr. Lawrence.

MONDAY, January 11.

Mr. Hartorn, Mr. Trumbull, and Mr. Moore, read their fear this day.

Mr. Boudinot of the committee appointed to enquire into the unshuffled business of the last session brought in a report, which was read and laid upon the table.

Mr. Smith, (S. C.) from the committee appointed to prepare an address in answer to the President's Speech presented a report, which being read, it was voted, That the House would to-morrow resolve itself into a committee of the whole, to take the same into consideration.

Mr. Goodhue, of the committee appointed the last session, to prepare a Census or Enumeration of their inhabitants of the United States, enquired, whether it is considered that the committee then chosen, is now in existence—if it is, he moved, That more effectually to answer the object of their appointment, the committee should be enlarged, to consist of a Member from each State.

Mr. Smith (S. C.) observed, that the several matters recommended to the consideration of the House in the President's Speech, are objects of more immediate attention—suggested the propriety of appointing Committees to take them respectively into consideration, and accordingly moved, That the House should go into its Committee of the whole.

Several gentlemen observed, that it would be perhaps more proper to wait for those communications to which the President referred in the Speech.

Mr. Goodhue suspended his motion, till the House should decide on that made by Mr. Smith—which being put, was not adopted.

Mr. Goodhue then rose to enquire, Whether it is considered that the unfinished business of the last session, should be taken up in the stage in which it was left, or otherwise.

This enquiry occasioned considerable discussion—Many of the members spoke on the occasion—The Speaker said, that it had been customary in the legislative assemblies with which he had been connected, to continue the business from one session to another, during the time for which the members are elected—but it appeared that this was not uniformly conformant to parliamentary usage, and as the subject is of very great importance, and different sentiments are entertained by gentlemen, it appeared necessary that the House should come to a decision upon it.

Mr. Livermore, adhering to the necessity and importance of the House adopting similar rules of conduct, proposed that a committee on the part of the Senate, to determine on a uniform system to be adopted by both Houses.

Mr. Page, Mr. Lee, and Mr. Smith were severally of opinion, that the business of the past session could not with propriety be taken up in the present, in the situation in which it was then left.—They contended that it should be entered upon de novo. As on the supposition, questions of the highest importance to peace and happiness of a great part of the Union were referred, and determined in the early session, in a very thin House, and by a small bare quorum of members.—The extensiveness of the subject, and the great distance of the members came—all coming to take up the business.

Mr. Symer observed, that Congress is a committee to enquire into, and report the business of the past session, plainly indicating that it considered it was absurd to appoint such a committee.

Mr. Lawrence said, that when the business of the past session, should come before either House with them to determine in what manner to proceed with respect to every article. He proposed the appointment of a committee.

The motion for a committee of ten be appointed in a bill for the actual enumeration of the inhabitants of the United States; which passing in the affirmative, the following members were appointed, v

Mr. Folger, Mr. Symer,  
Mr. Goodhue, Mr. Secoy,  
Mr. Sherman, Mr. White,  
Mr. Lawrence, Mr. Smith,  
Mr. Schreeman, Mr. Baldwin.

TUESDAY, January 12.

The order of the day being called for, the House resolved itself into a Committee of the whole.—Mr. Baldwin in the chair.