

*John Morton*

MEMBER OF THE STAMP-ACT CONGRESS  
FROM THIS COLONY.

JUDGE OF THE SUPREME COURT.

DELEGATE TO THE FIRST CONGRESS IN 1774.  
SPEAKER OF THE HOUSE OF ASSEMBLY,  
RE-ELECTED TO THE CONGRESS OF 1776,  
WHERE IN GIVING THE CASTING VOTE OF  
HIS DELEGATION, HE CROWNED  
**PENNSYLVANIA,**  
THE KEYSTONE OF THE ARCH OF LIBERTY,  
AND SECURED  
TO THE AMERICAN PEOPLE  
THE DECLARATION OF INDEPENDENCE.  
HIMSELF A SIGNER.

BORN  
A. D. 1724.

DIED  
A. D. 1777.

"TELL THOSE OF MY FRIENDS WHO WILL NOT FORGIVE ME FOR MY VOTE FOR  
INDEPENDENCE, THAT THEY WILL LIVE TO SEE THE HOUR WHEN THEY SHALL  
ACKNOWLEDGE IT TO HAVE BEEN THE MOST GLORIOUS SERVICE THAT I EVER  
RENDERED TO MY COUNTRY."



# A HISTORY

OF THE

ORIGIN OF THE APPELLATION

## KEYSTONE STATE,

AS APPLIED TO THE COMMONWEALTH OF PENNSYLVANIA;  
TOGETHER WITH EXTRACTS FROM MANY AUTHORITIES  
RELATIVE TO THE ADOPTION OF THE

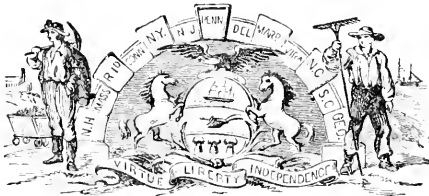
DECLARATION OF INDEPENDENCE

BY THE CONTINENTAL CONGRESS, JULY 4TH, 1776.

TO WHICH IS APPENDED THE

New Constitution of Pennsylvania,

WITH AN ALPHABETICAL CONTENTS.



PHILADELPHIA:

CLAXTON, REMSEN & HAFFELFINGER,

Nos. 624, 626 & 628 MARKET STREET.

1874.

Entered, according to Act of Congress, in the year 1874, by  
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TO  
THE PEOPLE OF PENNSYLVANIA,  
THIS WORK IS  
*Respectfully Dedicated*  
BY THE COMPILER.







*Pennsylvania is called the “KEYSTONE STATE” — the thirteenth State, the block of the arch, — from the fact that, by the casting vote of JOHN MORTON, she secured the unanimous adoption of the Declaration of Independence in the Continental Congress on the fourth of July, 1776, being the last or thirteenth State to vote for that immortal instrument.*

In the year 1870, an article was published in a rural newspaper which ascribed the origin of Pennsylvania's appellation “Keystone State” to the whim of an architect, who, in building a bridge over Rock Creek, near Georgetown, D. C., saw proper to place on the central block of its arch the abbreviation “Pa.”

The compiler of this work, after having read the “Rock Creek” theory, was unable to accept it as correct, and, in order to satisfy his mind on the matter, resolved to enter upon a thorough and unprejudiced examination of the subject, and, with this purpose in view, he at once set to work. Volume after volume of histories were carefully searched; mouldy documents were dragged from their long repose and closely scanned; and in due time he was enabled, as the reward of his tedious investigations, to prepare, and publish in a Philadelphia journal, a refutatory reply.

This brought forth a second and more voluminous article from the author of the "Rock Creek" story, notwithstanding his first attempt was ridiculed as a "stupid blunder" by many leading newspapers of the State.

Again were the libraries visited and their dusty treasures consulted; no amount of toil, or tiresome research, was spared, to the end that the question might be forever set at rest. And rich were the fruits of this inquisition. Numerous authorities were found, many of which were contemporaneous with the events they described; and not a few of the statements were in the handwriting of those who had actually beheld what they related!

With this accumulation of facts as a basis, another article was written and published. And so for nearly three years the question was argued pro and con, the compiler constantly endeavoring to fortify his position with the strongest historical proof.

In presenting this work to the public,—at a time when the events of our early national history possess a peculiar degree of interest to every American citizen, in fact, to the world,—he would take occasion to state that he is induced to do so for two reasons: The first being to gratify the oft-expressed desire of many esteemed friends; and the second, to furnish an amount of reliable data to the people of Pennsylvania which could not otherwise be had except at a great cost of time and labor.

In the following pages will be found both sides of the question, each article being arranged in the order in which it appeared in the several newspapers and pamphlets.



A HISTORY  
OF THE  
ORIGIN OF THE APPELLATION  
KEYSTONE STATE.

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From the Delaware County Republican of January 3, 1868.

“KEYSTONE STATE.”

THERE are but few, comparatively, of the great mass of our fellow-citizens that know why Pennsylvania received the appellation of the “Keystone State;” and it may be equally true that few are aware of the fact that Pennsylvania decided the great issue of American independence.

In the old Episcopal church-yard in Chester stands a plain, neat monument about twelve feet in height, erected over the remains of John Morton, one of the signers of the Declaration of Independence, July 4, 1776. It bears the following inscription:

## Dedicated

To the memory of

**JOHN MORTON,**

a member of the American Congress

from the State of Pennsylvania,

assembled in New York, 1765,

and of the next Congress assembled in Philadelphia in 1774,

and various other public stations.

Born, A. D. 1724; died, A. D. 1777.

This monument was erected by a portion of his

relatives, October 9th, 1845.

In 1775,

while Speaker of the Assembly of Pennsylvania,

John Morton was re-elected a member of

Congress, and in the ever memorable

session of July, 1776, he attended

that august body for the last

time, enshrining his name

in the grateful remembrance of the

American people by signing the

Declaration of Independence.

In voting by States upon the question of the

Independence of the American Colonies,

there was a tie, until the vote of Pennsylvania was

given; two members from which voted

in the affirmative and two in the negative.

The tie continued until the vote of the last member,

**JOHN MORTON,**

decided the promulgation of the glorious diploma

of American Freedom.

John Morton being censured by some of his friends

for his boldness in giving the casting vote for

the Declaration of Independence, his

prophetic spirit dictated from

his death-bed the fol-

lowing message

to them:

"Tell them that they will live to see the hour when

they shall acknowledge it to have been the

most glorious service that ever I

rendered to my country."



The circumstances attending the adoption of the Declaration of Independence by the Continental Congress are as follows: The vote was taken by the delegations of the thirteen colonies. Six of them voted in favor and six against the measure. These delegations sat right and left of the President, John Hancock. In front of him the Pennsylvania delegation was seated.

When the delegations from all the colonies, except Pennsylvania, had voted, and it was discovered that they were equally divided, John Hancock, perceiving that John Morton, one of the Pennsylvania delegation, was not in his seat, and seemingly aware that the latter held the casting vote in favor of the measure, arose and made a speech, urging the Pennsylvania delegation to vote for independence. He continued his exhortation until he saw John Morton enter the hall, and then sat down.

The Pennsylvania delegation stood equally divided upon the great issue, until John Morton gave the casting vote in favor of the Declaration.

Thus John Morton decided the vote of Pennsylvania; and thus Pennsylvania, by giving the casting vote, decided that important question; and from this circumstance she received the name of the "Keystone State," — the thirteenth State,— the block of the arch.

The reason why John Morton was delayed in the occupancy of his seat on that occasion, was that a number of persons visited him on that morning, urging him to vote against the Declaration. But they could not prevail; and many of them did live to see the time when they had to acknowledge it was the best thing he could do, and "the most glorious service that he had ever rendered to his country."

All honor then be ascribed to the memory of John Morton of Pennsylvania.

## THE "MORTON HALL" TABLET.

On the 12th of February, 1868, a marble tablet was erected in Morton Hall, corner Forty-first and Haverford Streets, West Philadelphia, bearing the following inscription, to wit :

JOHN MORTON,  
Member of the Stamp Act Congress  
from this Colony,  
Judge of the Supreme Court,  
Delegate to the first Congress in 1774,  
Speaker of the House of Assembly,  
Re-elected to the Congress of 1776, where,  
in giving the casting vote of his  
delegation, he crowned  
Pennsylvania  
The Keystone of the Arch of Liberty,  
and secured to the  
American people  
The Declaration of Independence,  
Himself a signer.  
Born, A. D. 1724,  
Died, A. D. 1777.



Extracts from the "History of the American Revolution,"  
*Comprehending all the Principal Events, both in the Field and in  
the Cabinet, by PAUL ALLEN, ESQ., to which are added the most  
Important Resolutions of the Continental Congress, etc., published  
in 2 Volumes, in 1819.*

*Extract from Preface.*

In the prosecution of the present work, it is deemed proper to state that the facts have been drawn from what is honestly believed to be the most unquestionable sources; from a painful and accurate examination and comparison of the various histories of that important event; from the correspondence of those who were the immediate parties in a struggle so glorious to our country; from official documents; from the archives of our Continental Congress, and those of the different Legislatures, etc., etc.

*Extract from Vol I., page 342, etc.*

The Congress had waited with considerable patience and some anxiety the result of the late session of Parliament; they had forborne to do anything which might not be justified upon the fair principle of self-defence, until it appeared that the Ministry were resolved that nothing short of the most abject submission should be the price of accommodation. Early in May, therefore, the Congress adopted a measure intended to sound the sentiments of the colonies on the subject of independence.

They stated the rejection of their petitions, the Prohibitory Act, and the employment of foreign mercenaries to reduce them to obedience; and concluded by declaring it expedient that all the colonies should proceed to the establishment of such a form of government as their representatives might think most conducive to the peace and happiness of the people. This Preamble and Resolution was immediately forwarded to all the colonies; and in a few days afterwards, Richard Henry Lee, of Virginia, gave notice to the Congress that he should, on an appointed day, move for a *declaration of independence*. This was accordingly done; but the consideration of the question was postponed until the first of July — so timid, so wavering, so unwilling to break the maternal connection were most of the members. The interval was employed in unceasing exertions, by the friends of independence, to prepare the minds of the people for the necessity and advantages of such a measure. The Press teemed with essays and pamphlets in which all the arts of eloquence were used to vindicate the prejudices which supported an attachment to the King and the Government of England.

Among the numerous writers on this momentous question, the most luminous, the most eloquent, and the most forcible was Thomas Paine. His pamphlet entitled "Common Sense" was not only read, but understood by everybody. It contained plain and simple truths, told in a style and language that came home to the heart of every man; and those who regard the independence of the United States as a blessing will never cease to cherish the remembrance of Thomas Paine. Whatever may have been his subsequent career — in whatever light his moral or religious principles may be regarded — it should never be forgotten that to him, more than to any single individual, was owing the rapid

diffusion of those sentiments and feelings which produced the act of separation from Great Britain.

New Hampshire, New York, New Jersey, Pennsylvania, and Maryland for a long time held out against the motion for independence. In Pennsylvania, the proposed measure was so warmly opposed by Mr. Dickinson, who had been one of the first and ablest advocates of resistance, that the Convention of Deputies left him out in their election of delegates to Congress, and appointed Dr. Benjamin Rush in his place.

In Maryland, the Convention instructed their delegates to vote against the Declaration of Independence, which, on the first question, they did, contrary to their own sentiments; and, withdrawing immediately from the Congress, they returned to their own colony. Here Samuel Chase labored industriously and effectually to procure county meetings, at which the people were induced to instruct their deputies to reverse their former vote. And on the 28th of June the Convention gave a unanimous vote for independence, with which the delegates lost no time in returning to Congress.

On the day agreed upon for the consideration of Mr. Lee's motion, the first of July, Congress resolved itself into a committee of the whole; the debates on the question were continued with great warmth for three days. It had been determined to take the vote by colonies; and as a master-stroke of policy, the author of which is not known to history, it had been proposed and agreed that the decision on the question, whatever might be the real state of the votes, should appear to the world as the unanimous voice of the Congress. ON THE FIRST QUESTION, SIX COLONIES WERE IN THE AFFIRMATIVE AND SIX IN THE NEGATIVE—PENNSYLVANIA BEING WITHOUT A VOTE BY THE DIVISION OF HER DELEGATES. What an awful moment was this for the sanguine friends of freedom. In this state of the business it is said, on the authority of evidence afterwards adduced before the British Parliament, that Mr. Samuel Adams once more successfully exerted his influence, and that one of the delegates of Pennsylvania was brought over to the side of independence. It is more probable, however, that the influence of Mr. Adams extended no further than to procure two of the dissenting members to withdraw from the House, and that the vote of Pennsyl-

vania was thus obtained. It is to be regretted, only as a matter of laudable curiosity, that the journals of Congress are profoundly silent as to the minute proceedings on this memorable question, and as to the names of those who espoused or opposed it.

We have no reason to doubt the purity of motive which actuated any member. It is sufficient that at length the important decision was made; and whether made by a majority of one or of twenty voices, is a question of no historical importance.

Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and R. R. Livingston had been appointed, on the 11th of June, to prepare a declaration of independence. It was agreed by this committee that each individual of it should draw up such a declaration as his judgment, talents, or feelings should dictate; that upon comparing the whole, the one should be chosen as the report of the committee which should be most conformable to the wishes of the whole. Mr. Jefferson's paper was the first one read, and, as the highest compliment which could be paid to the talents which it displays, every member of the committee instantaneously resolved to suppress his own production, modestly observing that it was unworthy to bear a competition with what they had just heard.

On the 4th day of July, 1776, that Declaration was adopted by Congress and given to the world as follows:

A Declaration by the Representatives of the United States of America in Congress assembled, etc., etc.

*Page 353.*

The Declaration of Independence was of itself a victory—a victory over the passions, prejudices, and fears of a multitude. It drew the line forever between the friends and the foes of America. It left no neutrals. He who was not for independence, unconditional independence, was an enemy. The effect produced upon the public mind, by the boldness and UNANIMITY manifested on this occasion by the delegates of the several colonies, operated on the general confidence of the people as much as a similar declaration would have done had it been adopted and signed by the whole population of the States.

The manifesto appeared as *unanimous*; it was hailed as prognostic.

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The Declaration of Independence was received as the *unanimous* resolve of the *thirteen* colonies. And even in England, where some intimations of such a design had been announced in the circles of Government, and where the strength of the royalists was the most intimately known, the power of that formidable minority was forgotten in the alarm of the first intelligence; and the Cabinet politicians themselves for awhile believed that the whole population of America had spoken to their oppressors.

The *unanimity* thus exhibited in this moment of unparalleled trial was justly regarded as portentous not only of the nature, but of the termination of the contest.

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About this time (meaning about the middle of July, 1776.) a series of resolutions were received in Congress, from the New York Convention, expressing in animated language their devotion to the great cause, and favoring any means of resistance to the encroachments of the enemy. The public feeling was at the highest degree of tension—every eye was turned upon New York. There it was expected, if not the fate of the whole country, the fate of Washington and his whole army was speedily to be determined. Troops were hourly coming in from all quarters.



From the Athens Gleaner of May 12, 1870.

## PENNSYLVANIA: WHY CALLED THE KEY- STONE STATE.

The designation of Pennsylvania as the "Keystone State" originated in the city of Washington, near the close of the last century or early in the present. When the seat of the Federal Government was by act of Congress permanently located on the Potomac, commissioners were appointed to locate the site of a new city there, who employed a French architect, by the name of L'Enfant, to design and survey it out. Besides the multitude of streets which he mapped out

and designated by the A, B, C's and 1, 2, 3's, he also planned a number of magnificent, broad avenues, running diagonally across them. The three principal of these avenues ran nearly parallel through the city, from the east branch of the Potomac to Rock Creek, near Georgetown. Of these, the central one was named Pennsylvania Avenue, the one north of it Massachusetts Avenue, and the one south of it Virginia Avenue.

Pennsylvania Avenue, as is well known, became the great thoroughfare of the city, and where it was extended across Rock Creek to Georgetown, a stone bridge with a single arch was erected of stones unused in building the walls of the Capitol. In constructing the arch of the bridge, thirteen ring or arch stones were exposed to view, on each side of which were engraved the initials of the name of one of the thirteen original States. Those forming the north side of the arch were N. H., Mass., R. I., Ct., N. Y., and N. J.; and those on the south side were Ga., S. C., N. C., Va., Md., and Del.; while upon the thirteenth, or key-stone of this arch, the initials of Pennsylvania were engraved so conspicuously as to be seen by all who passed it. From this circumstance Pennsylvania obtained the name, and has since been widely known as the "Keystone State." This bridge has since been destroyed and replaced by others. But it will be long before Pennsylvania ceases to be known by the name she acquired when the key-stone of this arch, in the city of Washington, bore her initials.



From the Evening Telegraph, of Philada., of June 4, 1870.

### THE KEYSTONE STATE.

We notice a foolish error going the rounds of the press regarding the appellation the "Keystone State," and how Pennsylvania came to be so called. It would be an endless

task to attempt to correct all the stupid mistakes made by newspapers, but this error concerns Pennsylvanians directly. According to the veracious historian whose account is before us, Pennsylvania has no better or higher right to be called the "Keystone State" than this: That when the city of Washington was laid out, a certain bridge near Georgetown had its arch fancifully inscribed with the names of the original thirteen States, and that Pennsylvania, having the central place in the arch, was called the key-stone by the primitive citizens of those times, and has continued to be called so ever since. This is putting the cart before the horse with a vengeance. We do not deny so much of the bridge story as describes the formation of the arch, but we do say (and think it strange even that it should be necessary for us to say) that the device of the architect was but taken from a historical incident of very great importance. The name, in fact, was derived from the circumstance that Pennsylvania cast the deciding vote on the question of American independence. In Sanderson's "Lives of the Signers," it is stated that the vote was taken by the delegations of the thirteen colonies. Six of them voted in favor and six against the measure. The delegations from all the colonies, except one member from Pennsylvania, had voted, and it was discovered that they were equally divided. Upon this simple vote, then, depended the entire question of issuing the Declaration of Independence. The name of the delegate upon whom so much depended was John Morton, and it is a name that should never be forgotten. John Morton voted *aye!* and the deed was done. Thus Pennsylvania, by giving the casting vote, settled that important question, and from that circumstance she received the name of the "Keystone State,"—the thirteenth State,—the block of the arch.

Will country papers please copy? and city papers, too, for that matter? It does not so much surprise us to see the ridiculous story about the Georgetown bridge copied in the



Homer *Iliad* and the Bloomington *Pantagraph*, but to find it in Pennsylvania, and, most of all, in our city papers, makes one feel sad. The other day, when we saw the absurd thing dished up afresh by one of our contemporaries, we grew savage, and determined to go for it. Let us straighten this matter up once for all, and as much for the memory of honest John Morton as for anything else.



From *The Keystone*, of Philadelphia, of July 23, 1870.

### ANOTHER TEACHING.

Bro. S. Hayden, of Athens, Bradford County, Pennsylvania, has written a very interesting paper on the "Keystone State," and its appellation to Pennsylvania historically considered.

Bro. Hayden is a venerable member of the fraternity, who has devoted a lifetime to considering Masonic subjects, and he has written admirably on many to the delight and instruction of his readers.

As there are many, both Masons and others, who have no idea why Pennsylvania was called the "Keystone State," Bro. Hayden's paper will be instructive. We publish it, because it is fitting that the subscribers of *The Keystone* should know why it was that name was chosen for our paper.

As Pennsylvania stands to the Federal Union, *The Keystone*, we hope, stands to the Masonic Press of the United States. We ardently hope, our sincere wish is, that *The Keystone* shall ever find the Arch of Masonry strong, firm, unyielding, solid. Our efforts are to this end, so that when, if ever, assaults on the craft shall come from within or without the Great Masonic Arch, firm, strong, and united, its key-stone holding it as the Great Architect intended, when He permitted it to be constructed, unmoved and unmovable, these assaults shall only prove the workmanship, and show its indestructibility.

*From the Athens Gleaner of July 11, 1870.*

THE KEYSTONE STATE: ITS APPELLATION TO PENNSYLVANIA HISTORICALLY CONSIDERED.—In the *Athens Gleaner* of May 12, I presented some facts relating to the name of Pennsylvania in its provincial character, and the origin of the term “Keystone,” as since applied to it. My attention has since been called to an article credited to the *Philadelphia Telegraph*, and published in various papers of the State, contradicting and ridiculing the reason I there gave why Pennsylvania was first called the “Keystone State,” and setting forth a pretended reason, entirely different, for this appellation.

That all who may feel interested in this question, either as one of curiosity or one of history, may more fully comprehend the point at issue, I will reinsert in this article that part of my former one which explained the origin of the term “Keystone” as applied to our State, and also the comments on my article by the *Philadelphia Telegraph*, as published in the *Bradford Reporter* of June 16, with the endorsement of the editor of that paper.

*Extract from the Athens Gleaner of May 12.*

PENNSYLVANIA: WHY CALLED THE KEYSTONE STATE.—The designation of Pennsylvania as the “Keystone State” originated in the city of Washington, near the close of the last century or early in the present. When the seat of the Federal Government was by act of Congress permanently located on the Potomac, commissioners were appointed to locate the site of a new city there, who employed a French architect, by the name of L’Enfant, to design and survey it out. Besides the multitude of streets which he mapped out and designated by the A, B, C’s and 1, 2, 3’s, he also planned a number of magnificent, broad avenues, running diagonally across them. The three principal of these avenues ran nearly parallel through the city, from the east branch of the

Potomac to Rock Creek, near Georgetown. Of these, the central one was named Pennsylvania Avenue, the one north of it Massachusetts Avenue, and the one south of it Virginia Avenue.

Pennsylvania Avenue, as is well known, became the great thoroughfare of the city, and where it was extended across Rock Creek to Georgetown a stone bridge with a single arch was erected of stones unused in building the walls of the Capitol. In constructing the arch of the bridge, thirteen ring or arch stones were exposed to view, on each of which were engraved the initials of the name of one of the thirteen original States. Those forming the north side of the arch were N. H., Mass., R. I., Ct., N. Y., and N. J., and those on the south side were Ga., S. C., N. C., Va., Md., and Del.; while upon the thirteenth, or key-stone of this arch, the initials of Pennsylvania were engraved so conspicuously as to be seen by all who passed it. From this circumstance Pennsylvania obtained the name, and has since been widely known as the "Keystone State." This bridge has since been destroyed and replaced by others. But it will be long before Pennsylvania ceases to be known by the name she acquired when the key-stone of this arch, in the city of Washington, bore her initials.

*Extract from the Bradford Reporter of June 16.*

THE KEYSTONE STATE. — S. Hayden contributed to the *Athens Gleaner*, a few weeks since, an article on the origin of the appellation "Keystone State." The *Philadelphia Telegraph* gives another version of the origin, which we think more probable. That paper says:

"We notice a foolish error going the rounds of the press regarding the appellation of the 'Keystone State,' and how Pennsylvania came to be so called. It would be an endless task to attempt to correct all the stupid mistakes made by newspapers, but this error concerns Pennsylvania directly. According to the

veracious historian whose account is before us, Pennsylvania has no better or higher right to be called the 'Keystone State' than this: That when the city of Washington was laid out, a certain bridge near Georgetown had its arch fancifully inscribed with the names of the original thirteen States, and that Pennsylvania, having the central place in the arch, was called the keystone by the primitive citizens of those times, and has continued to be called so ever since. This is putting the cart before the horse with a vengeance. We do not deny," continues the *Telegraph*, "so much of the bridge story as describes the formation of the arch, but we do say (and think it strange even that it should be necessary for us to say) that the device of the architect was but taken from a historical incident of very great importance. The name, in fact, was derived from the circumstance that Pennsylvania cast the deciding vote on the question of American independence. In Sanderson's 'Lives of the Signers,' it is stated that the vote was taken by the delegations of the thirteen colonies — six of them voted in favor and six against the measure. The delegations from all the colonies, except one member from Pennsylvania, had voted, and it was discovered that they were equally divided. Upon this simple vote, then, depended the entire question of issuing the Declaration of Independence. The name of the delegate upon whom so much depended was John Morton, and it is a name that should never be forgotten. John Morton voted *aye!* and the deed was done. Thus Pennsylvania, by giving the casting vote, settled that important question, and from that circumstance she received the name of the 'Keystone State,' — the thirteenth State, — the block of the arch."

The principal facts as given above in my article of May 12, which are denounced by the Philadelphia *Telegraph* as "a foolish error" and "stupid mistake," were first communicated to me by the late General Peter Force, of Washington, formerly Mayor of that city, and the well-known author of the "American Archives," which were published by authority of Congress a few years ago, in several quarto volumes. His extensive and rare collection of American documents has since been purchased by Congress for the

Congressional library. His well-earned fame as an antiquarian and historian would have justified me in receiving as correct the statement he gave me, that the appellation of "Keystone State" to Pennsylvania had its origin from the initials of this State having been inscribed on the key-stone of the arch of the bridge erected over Rock Creek, as described in my article under consideration, without any further evidence. He had been a resident of the city of Washington almost from its infancy, was familiar with its early history, and could give with more accuracy the landmarks of the great leading events that had transpired for the last century than any man then living. He was a lover of historic truth, and was not ashamed to follow where its footprints led him. The editor of the *Philadelphia Telegraph* must, therefore, either impeach my veracity in this statement, or include him in his denunciation of "foolish errors" and "stupid blunders."

I have not a copy of the "American Archives" before me to examine whether there is anything therein given on this subject, but in a work entitled "The Seat of Government of the United States," written by Joseph V. Varnum, Jr., and first published in Washington in 1848, and a second edition in 1854, it is stated on page 33 of second edition, "That the names of the thirteen States were engraved upon a bridge over Rock Creek, constructed of refuse materials taken from the public buildings, since carried away. That of Pennsylvania was on the key-stone; hence the name, 'Keystone State.'"

Here then was the publication of the same fact by Mr. Varnum in his book on "The Seat of Government," published in the city of Washington, before I had learned of its existence through General Force.

In a volume entitled "The Washington Sketch-Book, by Viator," published in New York and Washington in 1864, page 255, the author says, in speaking of the aqueduct

bridge which at present crosses Rock Creek: "A little above is another bridge, on the site where one was formerly constructed of refuse materials from the public buildings. The names of the original thirteen States were engraved upon the arch; that of Pennsylvania was on the key-stone. Hence the name 'Keystone State.'"

Each of these works I have now before me, and each ascribes the origin of the appellation of *keystone*, to our State, to the same cause which General Force had communicated to me. The fact that it originated in the building of the bridge over Rock Creek had passed into history, and was public property, before I presented it to the readers of the *Gleaner*, in an article on the name of Pennsylvania, collated from historic records. To further show that the information I there gave was not new to all intelligent readers, or treated with ridicule by the present historical authorities of the day, I will call the attention of all who are interested in this subject (which the Philadelphia *Telegraph* truly says "concerns Pennsylvania directly") to the following extracts from the "Historical Magazine," published in New York. It is the most valuable historical periodical ever published in America, and has long been edited and conducted by those distinguished for antiquarian and historical ability and accuracy. It is devoted to accurate researches in American history, and admits of and invites short queries and answers in relation to any historical points where any of its patrons may desire information from others. Its readers, as well as the contributors to its pages, have ever comprised many of the most scrutinizing and intelligent historians of our country, and any attempt to impose falsehood for historic truth upon its pages would soon be exposed, and its author denounced.

In the October No., of 1861, of this magazine, (Vol. V., No. 10, page 316,) the following query was inserted, referring to the former one in 1857.

“KEYSTONE STATE. — In the ‘Historical Magazine’ for 1857, page 279, W. D. inquires whether any one can give authentic information who it was that first used the phrase, ‘*The Keystone of the Federal Arch*,’ in reference to Pennsylvania, — the occasion or place where and the time when it was so applied.

“Can any answer be given by some reader of the ‘Magazine’?

J. S. F.

“WEST CHESTER, PA.”

Feeling interested in this item of Pennsylvania history, and being desirous that the account given me of it by General Force, and that published of it by Mr. Varnum, should pass the scrutiny of the readers of the “Historical Magazine,” I sent to the editor of it, over my own signature in initials (S. H.), which was then well known to him and many of his readers, the following answer to the above query, which was inserted in the November No. (Vol. V., No. 2, page 350.)

“KEYSTONE STATE. — The term, I believe, was adopted about the close of the last century, in consequence of the initials of the State being engraved on the key-stone of the arch of the stone bridge that was erected over Rock Creek, between the city of Washington and Georgetown. This bridge, which has since been destroyed, was built of stones brought to build the walls of the first Capitol, and unused for it. Its arch is said to have consisted of thirteen stones, the key-stone of which had engraved on it the initials of Pennsylvania, and the twelve others, those of the other States at that period, one on each. Probably Pennsylvania may have been put on the key-stone from the fact of the bridge being at the termination of Pennsylvania Avenue. S. H.”

In the April No., 1862, (Vol. VI., No. 4, page 131,) an additional communication was given in the “Historical Magazine,” over the signature of D. W., of Philadelphia.

“THE KEYSTONE STATE. — If the thirteen original States were arranged in the form of an arch, each State forming a block, Pennsylvania would, from its geographical position, form the

key-stone,—six of the States lying north and east of it, namely, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey; and six south and west of it, namely, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

D. W.”

I have given the foregoing extracts a place in this article, that the reader may see, what perhaps the editor of the *Philadelphia Telegraph* and some of his copyists knew not, that however erroneous the statement I gave in the *Gleaner* may have seemed to them, I had authority for my statement never before to my knowledge questioned, and surely not now weakened by the attempted ridicule of the *Philadelphia* editor, or the fanciful conclusions he draws from his own *misstatements*. Does the editor of the *Philadelphia Telegraph* believe, does my friend of the *Bradford Reporter* who copies and endorses his misstatements of well-known history believe, and do they imagine their intelligent readers will believe, the statement purporting to be drawn from Sanderson’s “Lives of the Signers” to be correct? This editorial statement is, that when the deciding vote on the Declaration of Independence was taken by the delegations of the thirteen colonies, (in 1776,) “*six of them voted in favor and six against the measure.*”

I have not a copy of Sanderson’s “Lives of the Signers” before me, but have grave doubts whether he, or any American historic writer of pretended accuracy, has ever stated that the colonies, or the delegates from them, were equally divided on the question or vote, and that *six* (as the editor states) *voted in favor and six against the measure!*

If the reader will consult any respectable history which gives the proceedings of the Congress of 1776, he will find that a Declaration of Independence of the colonies was discussed from time to time in that body, from the sixth of June, when Richard Henry Lee, of Virginia, first formally proposed it, until its final consummation by the *unanimous*



vote of the *colonies* through their delegations on the fourth of July. The draft of the public Declaration, which had in the meantime been prepared by a special committee, was duly considered in a committee of the whole on the first of July, when, after some verbal amendments, *nine* of the colonies through their delegations in that body voted for independence. The delegates from nearly all the colonies were acting in the matter under express instructions given them by the authorities of the colonies *they* represented. The colonial Assemblies of Pennsylvania and Maryland had both instructed *their* delegates to vote against the measure; and accordingly the votes of those States were in the committee on the first of July cast in the negative. It was highly desirable that the Declaration should be the *unanimous* act of all the *colonies*. The friends of the Declaration, therefore, took active measures in those States to have the specific instructions rescinded, in which they succeeded before the fourth, on which the final vote was taken, and each of these colonies, Pennsylvania by a majority and Maryland by all her delegates, gave their *colonial* assent to the renowned Declaration of Independence on the fourth of July, 1776.

Of the delegates from Pennsylvania but five were present on the fourth of July when the final vote was taken, namely: Benjamin Franklin, James Wilson, and John Morton, who voted for the Declaration, and Thomas Willing and Charles Humphrey, who both voted against it. Pennsylvania had also other delegates, who were absent. History records that of the delegates present from Pennsylvania, Mr. Morton gave the casting vote, thereby committing this State in the affirmative of the question. A fact coincident to this also occurred in taking on that occasion the vote of the Delaware delegation. This consisted of Caesar Rodney, George Read, and Thomas McKean. During the closing discussions on the Declaration, Mr. Rodney, who was in favor of it, was absent on important duties in the lower part of the State;

while Mr. Read and Mr. McKean, who were present, were known to be divided on the question. The importance of an entire unanimity of the colonies in this congressional action was such that Mr. McKean sent a special messenger eighty miles for Mr. Rodney, who reached Philadelphia just in time to vote, thereby, by his casting vote in the delegation from Delaware, succeeding, equally with Mr. Morton in the case of Pennsylvania, in securing the entire *unanimity* of the colonies for the Declaration. The desire for an entire unanimity in the action of the thirteen colonies through their delegates had been such, that it is asserted by a distinguished historian of Maryland, that the taking of the final vote in Congress had been postponed until the fourth of July, to give the delegates from that colony time to procure the rescinding of their former instructions to oppose a vote for independence. This being done by the convention in Annapolis on the twenty-eighth of June, Mr. Chase hastened from there with all speed, and arrived in Philadelphia, like Mr. Rodney of Delaware, just in time to give, with his colleagues from Maryland, the vote of that colony for the Declaration.

I have thus given from accredited historical sources such leading facts as clearly show the *misapprehension* (to call it by no harsher name) of the editor of the Philadelphia *Telegraph* in relation to the taking of the final vote on the Declaration of Independence on the fourth of July, 1776. There is not a shadow of historic evidence that can be given that the colonies in the taking of the vote "*were equally divided*" as he states, nor was any significance given, by those contemporary with those events, to the vote of John Morton of Pennsylvania above that of Caesar Rodney of Delaware. Each stands recorded as the casting vote in their respective colonial delegations, whereby the *unanimous* vote of the thirteen colonies was secured.

After showing the misstatements of the Philadelphia editor in relation to history, I now ask the reader calmly to

judge and say for himself, whether there is an item of proof given him, or the shadow of a reason to be found in his statement, beyond his own assertion which he attempts to base on errors, to show that the vote of John Morton had anything to do with the appellation of "Keystone" to the State of Pennsylvania. If he will show by any historic evidence, that the appellation was ever used *previous* to the engraving of the initials of Pennsylvania on the key-stone of the arch of the bridge over Rock Creek (*and this fact he admits*), or even long after that, in connection with Mr. Morton's vote on the Declaration, I will gravely consider whether I have not been believing and spreading a positive error.

But there is another view of this question which should be taken to avoid all misapprehension of this use of the term *Keystone* as applied to our State. The key-stone is well known as the most important member in the construction of an arch. Did its appellation to our State imply any pre-eminence above her sister States of the original thirteen? I think not. The most rational view of it, I think, is taken in the communication of "D. W." to the "Historical Magazine," in the April number of 1862, which is given in a preceding column of this article; that, from the "geographical position" of Pennsylvania, and the method of enumerating the names of the thirteen original States which has ever been used, an arch composed of thirteen segments to represent them would bring the seventh, representing Pennsylvania, into the true position of the key-stone. Was not this therefore the true reason why the key-stone of the arch of the bridge over Rock Creek bore the initials of the name of Pennsylvania rather than that of any other State, instead of its being, as the Philadelphia editor states, "the device of the architect taken from a historic incident of very great importance," which he proceeds to tell us was the Morton vote cast for the Declaration of Independence, and that, "from that circumstance, she received the name of the 'Keystone State,'—the thir-

teenth State, — the block of the arch?" When and where, we ask again, had it before been applied to her? Had she then an acknowledged pre-eminence above her sister States, that entitled her to wear such a crown, except as the accidental occupancy of a central geographical position? Much as I honor my own State, I would not remove a landmark of our country's history, or sacrifice truth on the altar of expediency; and he who will do it is one "who maketh and loveth a lie."

A careful examination by the student of American history will, I think, satisfy him that the "Keystone," in its appellation to our State, is but a component part of one of those symbolic representations devised and designed about the close of the last century to express the federal union of them all. Symbols, emblems, and allegorical representations have in all ages been a favorite method of expressing events, ideas, or principles of great national interests; and Dr. Franklin, who was one of the masters of this art, thus devised the figure of a snake severed into thirteen parts, with the initials of one of the colonies on each, with the motto, "Join or die," beneath it, and placed it at the head of the newspaper he published in Philadelphia before the Revolution.

This was the first American symbol expressive of a union which he had the sagacity to see was a political necessity. It was also the autitype of all subsequent devices that have been used to symbolize our American republic. It was the father of our Federal motto, "E Pluribus Unum."

When the war of the Revolution had commenced, Franklin's device of a disjointed snake, as a newspaper head, was changed to that of a figure of a rattlesnake with *thirteen* rattles, and coiled to strike, with the motto under it, "Don't tread on me," and was thus used on some of the flags of the provincial troops.

The great idea embodied in thus symbolizing the union

of the colonies, was in unison with the popular sentiment of America at that period. It spoke a language which all understood, and expressed a necessity which all true patriots felt—a Federal union for strength, in which the individuality of the component parts might be preserved.



From the Sunday Morning, of Philadelphia, of Sept. 11, 1870.

### THE KEYSTONE STATE: WHY PENNSYLVANIA IS SO CALLED.

In the "Historical Magazine" for 1857, page 279, W. D. inquires whether any one can give authentic information who it was that first used the phrase "The Keystone of the Federal Arch" as applied to the State of Pennsylvania, the occasion or place where, and the time when it was so applied.

In the October number of the same magazine, (Vol. V., No. 10, page 316,) the question was again asked by J. S. F., of West Chester, Pennsylvania, and elicited a reply from S. Hayden, the historical (?) writer in the *Athens Gleaner* of Athens, Bradford County, Pa. The article appeared May 12th of this year, and gives as the reason why Pennsylvania was called the "Keystone of the Federal Arch" as follows:

That some time about the ending of the last or the beginning of this century, a bridge was built across Rock Creek; that Rock Creek was a stream flowing between the cities of Washington and Georgetown; that the said bridge was built out of the refuse of the material used in the erection of the "public buildings;" that the arch of the bridge was composed of thirteen segments; that each particular segment had the name of one of the original thirteen States inscribed thereon; that by the merest possible *chance* the French architect, L'Enfant, who constructed said bridge, placed that *particular segment* with *Pennsylvania* inscribed on it in the centre of the arch; hence the name "Keystone State."

So much of S. Hayden's story as relates to the building

of the bridge out of the refuse material of the State buildings, and of the thirteen segments, and each one having engraved upon it the abbreviation of a State's name, and the particular one in the centre with Pennsylvania on it, we will admit to be true; but when S. Hayden, in his eagerness to establish a reputation as a historian, endeavors to cast aside with sacrilegious hands the traditions that have been handed down from father to son, and from generation to generation, and boldly asserts that Major L'Enfant, by placing the particular segment with Pennsylvania inscribed upon it in the centre of the arch at Rock Creek, gave to Pennsylvania the appellation of "Keystone State," we must certainly add that he really makes an *unwarranted* assumption.

Major L'Enfant, in placing the segment with Pennsylvania inserted on it as the key-stone of the arch at Rock Creek, was merely symbolizing what already existed.

At the farthest, it is highly improbable to suppose that our forefathers would travel through *two* States to an *unfrequented* country road, in a *sparsely* settled district, to obtain an appellation for the glorious State of Pennsylvania.

The May 12th article was characterized by the *Evening Telegraph* of our city as a "foolish mistake and stupid error," in a short but elaborately written article. The *Telegraph's* article was copied by the *Bradford Reporter*, on June 16th, and received the endorsement of its editor with a comment.

The reason why Pennsylvania received the appellation of the "Keystone State," as advanced by the *Evening Telegraph*, was on account of the *casting* vote given by John Morton, when the momentous questions involved in the Declaration of Independence were about to be definitely decided.

On the 14th of July, the *Athens Gleaner*, in a six-column article by S. Hayden, ridiculed the idea about Morton's vote, and furnished authorities, etc., for *his* version of the appellation, viz.: the Rock Creek bridge story.

Mr. Hayden refers to General Peter Force, at one time Mayor of the city of Washington, and compiler of the "American Archives," as his authority, and adds: "He (General Force) had been a resident of Washington almost from its infancy, was familiar with its early history, and could give with more accuracy the landmarks of the great leading events that had transpired for the last century than any man living." This would be an irrefragable argument, if it was Mr. Hayden's intention to prove that the bridge with the thirteen segments was really constructed, but, unfortunately for him, that has been admitted; and it is here, in giving proofs of his incontestable authority, that Mr. Hayden blunders. The "eminent compiler" may, and in all probability was, thoroughly posted in the "early history of Washington city," and could, no doubt, "give with great accuracy the landmarks of the leading events, etc.;" but what analogy Mr. Hayden can draw between the early history of Washington city, the leading events of the last century, and the appellation of Pennsylvania, it is impossible for us to conceive. Consequently, there is no occasion for the remark that General Force was included in the *Telegraph's* denunciation of "foolish errors" and "stupid blunders."

The appellation given to a State as a "baptismal or second name" is not a "leading event," although a "leading event" in the history of a State might give her an appellation; but surely no one will be so foolhardy as to suppose that the building of Rock Creek bridge was a "leading" event in the history of Pennsylvania.

D. W., of Philadelphia, in answering the same query in the April number, 1862, of the "Historical Magazine," (Vol. VI., No. 4, page 131,) ascribes the reason why Pennsylvania received her appellation to her geographical position — six of the "original thirteen" lying north and east, viz., New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey, and six south and west, viz., Dela-

ware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

Major L'Enfant, the French architect, may have taken this view of the matter in constructing the bridge at Rock Creek, and placed Pennsylvania in the centre of the bridge because her geographical position was in the centre.

It seems, by the lengthy arguments introduced concerning committees on seals and other symbolisms of Federal unity, to be Mr. Hayden's purpose to lead his readers away from the main question at issue; and, in the simplicity of his nature, he wonders how it was that Pennsylvania was not made the key-stone of the *Federal flag*, or the key-stone of the *thirteen stars* and *thirteen arrows* that symbolized the Federal Union. "For," says he, "they are *distinct* and *expressive* in their character, but fail to recognize a pre-eminence in Pennsylvania." He further remarks that Pennsylvania is not the *thirteenth* State, but the *seventh* State of the original thirteen. Here, it will be perceived, he adopts the views of D. W., of Philadelphia, and gives her the CENTRE.

It is my intention to prove to him that Pennsylvania is, figuratively speaking, the thirteenth State, and that she is so by John Morton's vote on the fourth of July, 1776.

On voting for the famous Declaration, Pennsylvania was the last State to vote. Cesar Rodney had travelled eighty miles from his home in Delaware, and, in conjunction with Thomas McKean, had secured that State for the Declaration. Mr. John Morton had been summoned outside of the Hall of Independence, when the momentous question was pending. Numerous of his friends begged him to vote against the measure, for fear of disastrous results, and the ignominy which must inevitably attend ill success; but their arguments and entreaties did not avail, and with that determination and force of character which had always distinguished him he stepped inside and cast the FINAL VOTE, which decided the Declaration of Independence.



In Sanderson's "Biographies of the Signers" (Vol. VI., page 218), and Judge Conrad's revised edition of the same work (Vol. I., page 451), a commentary upon this same subject will be found. The biographer justly says:

No wonder, then, that Mr. Morton experienced the most intense anxiety of mind when he was required to give the casting vote of the Pennsylvania delegation, A VOTE WHICH WOULD EITHER DESTROY OR CONFIRM THE UNANIMITY OF THE DECLARATION OF INDEPENDENCE.

Here, beyond the shadow of a doubt, is positive evidence that it rested solely and alone with John Morton, whether the Declaration of Independence should be unanimous or not.

On page 219, Sanderson further says: "*Everything* rested upon the determination of Mr. Morton." After dwelling awhile upon the pernicious consequences which would have attended a vote in the negative, Mr. Sanderson truly states "that his great anxiety of mind for fear of disastrous results hastened his dissolution."

The British victories in the earliest battles of the Revolution caused this anxiety. His friends, who had urged him to vote against the *measure*, pointed him out as the cause of all their troubles; and although conscious that he had performed an act which would commend him to posterity, whether the Revolution succeeded or not, still, extreme sensitiveness and an overtaken mind superinduced a fever, and he departed to that "bourne whence no traveller returns," in April, 1777. Even on his dying bed, when the censure of his friends for his boldness in giving the deciding vote on American independence was strongly present in his mind, his words to them were remarkably prophetic, and add to the truthful character of our story. Said he: "Tell them that they will live to see the hour when they shall acknowledge it to have been the most glorious service that I ever rendered my country."

Thus it will be seen that Pennsylvania was the thirteenth State,—the block of the arch,—and that it was due to John Morton's vote on the fourth of July, 1776.

This is a "leading event" in the history of Pennsylvania, and she is entitled to pre-eminence among her sister States, because circumstances made it depend upon her representative to cast the vote which decided whether there should be unanimity or not.

If Mr. Hayden wants further proof, we will refer him to the old Episcopal church-yard in Chester, Pennsylvania, to the tomb of John Morton, and the epitaph thereon: "In voting by States upon the question of American independence, *there was a tie* until the vote of Pennsylvania was given, two members from which voted in the affirmative and two in the negative. The *tie* continued until the vote of the last member, John Morton, decided the promulgation of the glorious diploma of American freedom."

No fair person would suppose that John Morton's posterity would promulgate a *lie* to heap additional honor on his head. Thus it will be seen that although he did not live long enough to reap the fruits of his *glorious vote*; that although he did not see the war clouds break and leave his *native* land FREE; still, posterity have not forgotten him, but have commemorated his noble sacrifice by calling his native State "The Keystone of the Federal Arch," the assertions and aspersions of such veracious and *voracious* historians as our friend in Bradford County to the contrary notwithstanding.



Extract from an Address delivered by Joseph Leeds, Esq.,  
before the Historical Society of Pennsylvania, September  
12, 1870.

Pennsylvania is most appropriately the "Keystone State." When the Declaration of Independence was being considered, each State was by its delegation in front of the

Speaker's chair,—on the right six, on the left six, with Pennsylvania at the centre like a key-stone. The vote was taken by States, and a majority of delegates from a State carried that State; and it was deemed very desirable to have the vote unanimous in adopting the Declaration. On Monday, July 1st, 1776, in committee of the whole, all the States, excepting Pennsylvania and Delaware, voted in the affirmative,—the former in the negative 4 to 3, the latter a tie vote.

July 2d, Lee's celebrated resolution in favor of independence was adopted in committee of the whole, according to McKean.

July 4th, all the States but Pennsylvania voted in the affirmative on the Declaration of Independence, and so stood. Pennsylvania had but four delegates present. Two voted for and two against the Declaration. One was expected to come in who had been called out by friends and others to urge him to vote in the negative.

Here was a momentous pause in a time when men's souls were tried to their very centre, the arch of union standing hazardous, with the key-stone suspended over it by a tie vote, and all in deep anxiety looking for the one Pennsylvania member to come in by whose vote the great decision would be made. That man was John Morton. It is said that John Hancock, anxious for his arrival, instead of declaring the vote as it stood, occupied the time by speaking until he saw him enter the door. Here was a man having adverse influences, outside and otherwise, urging and pressing on him with almost crushing weight to vote against the Declaration by scores of friends and others who viewed it as direct rebellion to British rule, and apprehended a failure that would end in dreadful punishment. Yet that noble patriot and man, with love of country in his heart rising above all, came in and took the responsibility of deciding the great question, not only for Pennsylvania, but as umpire for the whole country. John Morton voted. Simultaneously the

key-stone was in its place, the arch was complete, the States were unanimous, the grand Declaration sprang into life, the fountain of freedom flowed, Independence, Liberty, and Union were baptized, and a nation was born!

Well might the spirit of the Huguenots, the Pilgrims, Puritans, and Penn have lingered here to approve, rejoice, and say, "Let all this have a choice place in every American heart, to be seen in the brightest mirror of memory forever."

John Morton placed the key-stone in the arch of patriotism. He lived eight months afterwards. Before leaving the world, he said, "Tell my friends and others who censured me for my vote, that they will live to see the hour when they shall acknowledge it to have been the most glorious service I ever rendered to my country." His vote proved a victory; his last words a reality. If the work here proposed should be done, let some part of it honor the memory of John Morton.



From the Delaware County Democrat of September 14, 1870.

## JOHN MORTON, SIGNER OF THE DECLARATION OF INDEPENDENCE.

The great and patriotic man, John Morton, one of the signers of the Declaration of Independence, was born in Ridley Township, Delaware County, Pa., 1724. Part of the walls of the house in which he was born and died yet stand, having been substantially built up and around. The stone in the old gable end, bearing the name of John Morton and wife, still remains, and can be seen and read. This relic of olden times is owned by Charles Horne. John Morton was a great-grandfather of Hon. Sketchley Morton, of Morton, Springfield Township, Delaware County. The descendants

of the old patriot down to and including the present generation, are highly respectable people, a number of whom, we are proud to say, live in our county.

In the old Episcopal church-yard in Chester lie the remains of Judge Morton, and upon his tomb is the following inscription :

Dedicated to the memory of John Morton, a member of the first American Congress, from the State of Pennsylvania, assembled in New York, 1765, and of the next Congress, assembled in Philadelphia in 1774, and various other public stations. Born A. D. 1724; died April, 1777.

This monument was erected by a portion of his relations, October 9, 1845. In 1775, while Speaker of the Assembly of Pennsylvania, John Morton was re-elected a member of Congress; and in the ever memorable session of July, 1776, he attended that august body for the last time, enshrining his name in the grateful remembrance of the American people by signing the Declaration of Independence. In voting by States upon the question of the independence of the American colonies, there was a tie until the vote of Pennsylvania was given, — two members from which voted in the affirmative and two in the negative. The tie continued until the vote of the last member, John Morton, decided the promulgation of the glorious diploma of American freedom.

John Morton being censured by some of his friends for his boldness in giving his casting vote for the Declaration of Independence, his prophetic spirit dictated from his death-bed the following message to them: "Tell them they will live to see the hour when they shall acknowledge it to be the most glorious service that ever I rendered my country."

This monument was erected by his near relatives, some of whom were living when he died. No one will deny that this inscription expresses the traditions of our Revolutionary period as handed down to them by him. The men who signed the Declaration of Independence rendered themselves liable to death in case of failure, and their dangerous situation naturally led to family conversations relating to

the subject, so that this record has really the force of written testimony.

It is well known that there was a great diversity of opinion among the people in regard to the Declaration, and the probability is that the vote occurred as stated on Judge Morton's monument, and was made unanimous after the question had been decided by the majority, — a very common practice among deliberative bodies when unanimity is essential to success. The fact that Judge Morton was censured for his vote by the enemies of the Declaration would, and doubtless did, impress the friends of the Union more fully with the idea that Pennsylvania occupied the key-stone position.

Sanderson's "Lives of the Signers," published in 1823, (Vol. VI., page 210,) says: "No wonder, then, that Mr. Morton experienced the most intense anxiety of mind when he was required to give the casting vote of the Pennsylvania delegation — a vote which would either confirm or destroy the unanimity of the Declaration of Independence." Lieber's "Encyclopædia Americana," published in 1832, (Vol. IX., page 57,) says: "Mr. Morton gave the casting vote of Pennsylvania in favor of independence," and characterizes it as "an act of signal intrepidity." Lossing's "Lives of the Signers," published in 1848, says: "Mr. Morton was called on officially to give the casting vote of Pennsylvania; that it was a solemn responsibility thrown on him; it was for him to decide whether there should be a unanimous vote of the colonies for independence; but he firmly met the responsibility and voted 'yes,' and from that moment the united colonies were declared independent States."

What a halo of glory shines around the memory of this wonderful man. He held in his hand the destiny of this nation; it was for him to say whether the comparatively weak and down-trodden colonies should fight for liberty, or submit to tyranny and oppression; praise be to his name.

Amid cheers and hisses he gave the casting vote for Independence and Freedom. The great Republic of the United States is the result of that grand act of Delaware County's son. A high, rich, and lasting monument should be erected to the memory of John Morton.



From *The Keystone*, of Philadelphia, of Sept. 24, 1870.

### THE KEYSTONE STATE.

We lately printed in *The Keystone* an article from the *Athens Gleaner*, upon the claim of Pennsylvania's title to the name of "Keystone State." We quoted it as a matter of curious information; but we have since learned, from the *Philadelphia Evening Telegraph*, of Sept. 3, 1870, the fallacy of the Athens story, and we take pleasure in giving the correct version, which is as follows:

We had intended some time ago to pay our respects to the author of the "Rock Creek Bridge Story," published in the *Athens Gleaner*, concerning the origin of Pennsylvania's title to the name of "Keystone State;" but the conviction that very few persons would attach any importance to the story, led us to postpone our reply to a convenient season. His seven columns of labored argument, so far from proving that Pennsylvania received the title of the "Keystone State" from the symbolical letters on the key-stone of the thirteen blocks comprising the arch of the bridge over Rock Creek, in the District of Columbia, show that she already had that title, and that the individual who constructed the bridge saw in the exact number of blocks comprising the arch a fitting opportunity to symbolize the idea. His argument to prove that Pennsylvania was not recognized as the "Keystone" in our national symbols, has no bearing whatever on the question, for the reason that these symbols were designed to repre-

sent union and equality, and any reference to the superior condition of any State would have been inappropriate.

Another mistake of the writer is in supposing the name "Keystone" to be a Federal symbol. Such is not the case. Pennsylvania claims for herself the title of "Keystone" precisely as Massachusetts claims to be called the "Bay State," and New Hampshire the "Granite State," because of some distinctive peculiarity belonging to themselves exclusively.

Long before our Revolutionary era, the arch and its keystone were symbols of union and strength. Hence the idea fastened itself upon the minds of Pennsylvanians that our State occupied the position of the key-stone to the Union. There are many incidents in our history well calculated to develop this idea. At the time of the adoption of the Declaration of Independence, Pennsylvania was the dividing State between North and South, there being six on each side of her.

In the Congress of Independence the representatives of the colonies sat in a semicircle around the Speaker's chair, Pennsylvania occupying the centre of the arch. She was also the last, or *thirteenth*, State to vote for the Declaration, and thus resembled the key-stone of an arch, which is always inserted last, and without which the arch could not stand. These well-known facts undoubtedly presented themselves to the minds of many, and the title of "Keystone" gradually worked its way among the people, until it finally became an acknowledged title by every one. The builder of the Rock Creek bridge no doubt heard this oft-repeated expression, and very appropriately symbolized it upon the bridge he was building. The fitness of the expression has been recognized, by thousands of public speakers in all parts of the State, for over half a century, not one of whom probably ever heard of Rock Creek bridge, with its historical claims of less than twenty years' standing. Aside from the historical facts we have given in regard to the geographical position of the State, and the position of its representatives in the Revolu-



tionary Congress, we have traditional testimony which helped to create a spontaneous sentiment in the midst of her people that she was in a still higher sense the key-stone of the arch. In the old Episcopal church-yard in Chester, Pennsylvania, lie the remains of Judge Morton, and upon his tomb is the following inscription:—

Dedicated to the memory of John Morton, a member of the first American Congress, from the State of Pennsylvania, assembled in New York, 1765, and of the next Congress, assembled in Philadelphia in 1774, and various other public stations. Born A. D. 1724; died April, 1777.

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period as handed down to them by him. The men who signed the Declaration of Independence rendered themselves liable to death in case of failure, and their dangerous situation naturally led to family conversations relating to the subject, so that this record has really the force of written testimony.

It is well known that there was a great diversity of opinion among the people in regard to the Declaration, and the probability is that the vote occurred as stated on Judge Morton's monument, and was made unanimous after the question had been decided by the majority—a very common practice among deliberative bodies when unanimity is essential to success. The fact that Judge Morton was censured for his vote by the enemies of the Declaration would, and doubtless did, impress the friends of the Union more fully with the idea that Pennsylvania occupied the key-stone position.

Sanderson's "Lives of the Signers," published in 1823, (Vol. VI., page 210,) says: "No wonder, then, that Mr. Morton experienced the most intense anxiety of mind when he was required to give the casting vote of the Pennsylvania delegation—a vote which would either confirm or destroy the unanimity of the Declaration of Independence." Lieber's "Encyclopædia Americana," published in 1832, (Vol. IX., page 57,) says: "Mr. Morton gave the casting vote of Pennsylvania in favor of independence," and characterizes it as "an act of signal intrepidity." Lossing's "Lives of the Signers," published in 1848, says: "Mr. Morton was called on officially to give the casting vote of Pennsylvania; that it was a solemn responsibility thrown on him; it was for him to decide whether there should be a unanimous vote of the colonies for independence; but he firmly met the responsibility and voted 'yes,' and from that moment the united colonies were declared independent States." There is much other authority to prove that Pennsylvania voted last, and made the Declaration unanimous. This fact,

coupled with her *geographical and legislative position*, could not have failed to bring to the minds of many the old idea of the unity and strength of the arch and its key-stone, and cause them, in the fervor of patriotic feelings, to claim for Pennsylvania this proud position. The events we have recited enlisted the strongest sympathies of the people at the time of their occurrence, and the prominent place occupied by Pennsylvania must have possessed the minds of all with the appropriateness of the insignia the moment it was uttered. Who first gave a public expression to the idea is not known. It might have occurred to the minds of hundreds of people in every county of the State at the same time. It certainly rests on geographical, historical, and traditional grounds, and we therefore think the antiquarian who still clings to the Rock Creek bridge story deserves to be elected a member of the celebrated Pickwick Club.



From the Delaware County American of February 1, 1871.

#### A LEGEND OF THE DECLARATION.

BY GEORGE M. VICKERS.

Almost a hundred years have fled  
 Since brave Columbia burst the chains  
 That tyranny and avarice wed,  
 Then liberty was yet a dream —  
 A hymn still sung in whispered strains —  
 A first gray dawn, a herald beam  
 Of Freedom's sun.

'Twas then oppression's ruthless hand  
 Was striving to regain its prey,  
 And spread dismay throughout the land.  
 Heroic souls at once convened  
 To crush a hated monarch's sway,  
 Whose dastard rule had fully weaned  
 His subjects' love.

Each colony her chosen sent  
 To Philadelphia's spacious hall,  
 The people's will to represent.  
*Success* would crown them PATRIOTS brave—  
 One thing was needful to them all,  
 Or each might find a *traitor's* grave—  
 'Twas *unanimity*.

The Continental Congress met ;  
 Each delegate had said his say  
 Save one, who had not spoken yet.  
 With us the vote remained a tie :  
 Good Pennsylvania held the sway —  
 'Twas *she* who now must cast the die,  
 To wreck or save.

John Morton's called ; all eyes are strained —  
 The FEDERAL ARCH is almost built —  
 The arch that Freedom's God ordained.  
 He voted RIGHT, all undismayed  
 E'en though his true heart's blood be spilt —  
 And thus he nobly, safely laid  
 The key-stone.

And so the mighty deed was done,  
 That makes us what we are to-day,  
 By which our sovereign right was won.  
 John Morton gained eternal fame ;  
 'Twill last with Independence Day,  
 And Pennsylvania gained a name —  
 The "Keystone State."



From the New York World, February 21, 1871.

### THE KEYSTONE STATE.

It seems that a controversy has sprung up in regard to the origin of this designation as applied to the State of Pennsylvania. In May last, a gentleman in Pennsylvania, Mr. S. Hayden, published a communication in the Athens

*Gleaner*, in which he assigned the origin of this phrase to the fact that at the close of the last century, while the public buildings were in progress in Washington, a part of the stone material that was not needed or was rejected was used to build a bridge over Rock Creek, between Washington and Georgetown; that this bridge had an arch composed of thirteen stones, on the face of each of which the architect caused the name or initials of one of the thirteen States of the Union to be carved; that as he commenced in the usual order in which the States were always recited, according to their geographical positions, the name of Pennsylvania happened to be placed on the key-stone, or middle stone, of the arch. Hence sprung a popular habit in that locality of speaking of Pennsylvania as the "Keystone State." This bridge, in the lapse of time, gave way to another, and the stones bearing the names or initials of the States disappeared. But the popular use of this phrase continued and spread all over the country. This account of its origin may well be received as correct, since it had the sanction of the late Colonel Peter Force, of Washington, who remembered the bridge, and who was a perfectly accurate and trustworthy antiquarian. It was he who gave this origin of the popular phrase to Mr. Hayden.

But this account did not suit the dignity of Pennsylvania. The Philadelphia *Telegraph* attacked it as absurd, and the rural papers of Pennsylvania echoed and endorsed the theory of the *Telegraph*, which is the following: The existence of the bridge, the arch with its thirteen stones, the names of the thirteen States engraved on them, one on each, — Pennsylvania being on the key-stone, — are not denied. But it is claimed that the architect gave this place of honor to Pennsylvania to commemorate "a historical incident of great importance." This incident, important enough, if true, was the casting vote given by the State of Pennsylvania, in the Congress of 1776, in favor of American independence.

Considering the fact that the delegation of Pennsylvania were with difficulty got to vote for independence at all, this claim by some of their descendants, that she by her "casting vote" decided the question, is—modest. Unhappily for this theory, there was no casting vote about the matter. There was no tie at any time, either when Richard Henry Lee's resolution was passed in committee of the whole, or when it was afterwards passed in the Congress. Although the journals do not record the votes, Mr. Jefferson, who could not be in error about a matter in which he bore so great a part, and who wrote his autobiography in 1821, when he was no older than seventy-seven, has left a circumstantial account of the proceedings relating to independence, which explodes this modern Pennsylvania claim of a casting vote into utter nonentity.

Lee's famous resolution, "that these united colonies are, and of right ought to be, free and independent States," etc., was introduced in Congress on the 7th of June, 1776. But its consideration was postponed until the 1st of July, to give time to prepare some of the doubting colonies for so great a step. A committee, however, was appointed to prepare a Declaration of Independence. This document was reported by Mr. Jefferson on the 28th of June, and was then laid upon the table. Lee's resolution was taken up on the 1st of July in committee of the whole. It was debated through the whole day in secret session, John Adams making for it that remarkable speech which Mr. Webster, from the scanty material of a letter written the next day by Mr. Adams to his wife, imitated with so much power of thought and expression that the supposititious speech passed for a long time as a report of the genuine oration. The vote was taken at the close of the day, and Mr. Jefferson says that the resolution received the votes of nine States, namely: New Hampshire, Connecticut, Massachusetts, Rhode Island, New Jersey, Maryland, Virginia, North Carolina, and Georgia. South

Carolina and Pennsylvania voted against it. Two only of the Delaware delegation were present, and, as they were divided, the vote of the State could not be cast. The delegation of New York had not then been authorized by her convention to vote upon the question either way. When the committee of the whole rose and reported the resolution to the House, Edward Rutledge, of South Carolina, moved a postponement to the next day (the 2d), in order to induce his colleagues to vote for it. On the 2d it was passed in Congress by the votes of twelve States, made up to that number by the additional votes of South Carolina, Pennsylvania, and Delaware. Mr. Jefferson's account of these last two votes is that a third member from Delaware had come by post expressly to vote for the resolution, and thus the vote of that State was cast for it; and he adds that "members of a different sentiment attending that morning from Pennsylvania, her vote was changed, so that the whole twelve colonies who were authorized to vote at all gave their voices for it; and within a few days (July 9) the convention of New York approved of it, and thus supplied the void occasioned by the withdrawing of her delegates from the vote." It is thus apparent that, whether the vote of Pennsylvania was changed by a single member of her delegation, or, as Mr. Jefferson intimates, by more than one, there never was a moment in the whole proceeding when the resolution needed the casting vote of that or any other State. If there is any important historical incident to be symbolized in the completion of an arch through the addition of a key-stone, it would seem that the accession of New York to the measure is that incident. But we lay no claim to this position for New York, because we are satisfied that the phrase, "The Keystone State," had its origin in the accidental formation of that bridge over "Rock Creek;" and that the position of Pennsylvania as the key-stone was equally the fortuitous position of the State in the order of enumeration common at that time, with six States on one side of it and six on the other.

From the Sunday Dispatch of March 23, 1871.

LONG JOHN. — "In what year was the term '*Keystone*' applied to Pennsylvania? Why was it applied?" This is a question much easier asked than answered. Most obviously the appellation of "*Keystone*" was applied to the State of Pennsylvania in consequence of its position among the States of the Union being half-way among the "old thirteen" between the North and the South, and the dividing State, after the abolition of slavery in Pennsylvania, between the free States and the slave States. We do not know when the name of "*Keystone*" was first applied to Pennsylvania. We have seen, lately, a statement in a newspaper that the name arose from the fact that a bridge near Washington, D. C., had its arch decorated with sculptured stones designated by the names of the various States, and that Pennsylvania was the "*Keystone*." That there might have been such a bridge, we shall not deny. And if there was such an arch, it would obviously represent the idea of the "*Keystone*" of the Federal Arch, which, before that time, might have been applied to Pennsylvania. We have no belief at all in the suggestion that this was the origin of the application of the title of "*Keystone State*" to Pennsylvania. It probably illustrated the application of a title then in use, as we sometimes see it illustrated in engravings now.



From the Sunday Mercury, of Phila., of April 30, 1871.

### THE NEW YORK WORLD AND PENNSYLVANIA'S APPELLATION.

The New York *World*, piqued because Philadelphia, instead of New York, was selected as the site for the celebration of the Centennial Anniversary of American Independence, has given publicity to an article concerning the



origin of the phrase "Keystone State" as applied to Pennsylvania. Gross misstatements of historical facts, and palpable *distortions* of the proceedings of the Continental Congress while deliberating upon that momentous subject, form the general tenor of it.

In May last, S. Hayden contributed an article to the *Gleaner*, of Athens, Bradford County, Pennsylvania, ascribing the origin of the appellation to the building of a bridge over Rock Creek, between Washington and Georgetown. The bridge was built of the refuse material used in the construction of the public buildings. The arch was composed of thirteen segments, and the architect caused to be inscribed upon each one the abbreviation of a State name — the centre segment, or the key-stone of the arch, having Pennsylvania inscribed on it, hence the term "Keystone State."

This origin was attacked by other Pennsylvania newspapers as "an absurd and stupid blunder," and the *right* of Pennsylvania to be called "The Keystone of the Federal Arch" ascribed to the *casting vote* of John Morton, of the Pennsylvania delegation, on Richard Henry Lee's famous resolution, "that these united colonies are, and of right ought to be, free and independent States," etc.; and that the architect, by placing the segment with Pennsylvania inscribed on it in the centre of the arch of Rock Creek bridge, was merely symbolizing an important historical event in the history of Pennsylvania. The *World* denies that Pennsylvania voted last on the Declaration of Independence, and modestly asserts, in contrariety of every historical account of the proceedings of the Continental Congress, that the New York delegation did not vote until the 9th of July, A. D. 1776, and consequently was the last State to vote. Ergo — if an important historical event was symbolized by constructing the arch in that manner, New York, and not Pennsylvania, was entitled to the position of honor.

It would be exceedingly ungenerous to detract one iota

from the credit of the individual members composing the delegations of the colonies who voted for the Declaration, and it is fair to presume that many who opposed it, did so on the ground of inexpediency, and not for any love they bore the mother country. Great inventions have been the result of accident—that Pennsylvania voted last on the Declaration of Independence may have been the result of accident; be that as it may, the calumnious thrusts of the *World* cannot detract from her credit any more than from the fame of the inventor.

To prove the positions taken, the following extracts are submitted to the judgment of the unprejudiced reader. In the "American Archives," p. 1231, in a letter to his wife, dated July 5, 1776, John Adams says: "Yesterday the greatest question was decided that ever was debated in America, and greater perhaps never was, nor will be, decided among men. A resolution was passed, *without one dissenting colony*, 'that these united colonies are, and of right ought to be, free and independent States.'" If such reliable authority as John Adams asserts that the resolution was passed on the 4th of July, "without one dissenting colony," there must certainly be a stretch of the imagination on the part of the *World* to make New York vote on the 9th. Even S. Hayden, the first to assign the origin of the appellation to Rock Creek bridge, remarks, in the *Gleaner*, that Richard Henry Lee formally proposed the resolution on the 6th of June, and it was finally adopted by the *unanimous* vote of the colonies, through their delegations, on the 4th of July, 1776, and refers the reader to any respectable history to verify the assertion. If New York withheld her consent to the adoption until the 9th, it could not have been by the "*unanimous vote*" of the colonies on the 4th. Why is it, also, that the 4th of July is celebrated as the anniversary of the *unanimous* adoption of the Declaration of Independence, if unanimity was not secured until the 9th? It cannot be possible that the intelligent citizens

of the United States have been five days too soon for ninety odd years in celebrating the "promulgation of the glorious diploma of American freedom."

The *misapprehension* of the *World* has arisen from the fact that the Provincial Congress of the State of New York met on the 9th of July, at White Plains, and confirmed the vote of the New York delegation, in the Continental Congress, on the Declaration, as will be seen by reference to Hildreth's "History of the United States," Vol. III., p. 136, or Bancroft's "History of the United States," Vol. VIII., p. 450. Twelve of the thirteen States had voted in the affirmative, placing twelve blocks in the "Arch of Union," with Pennsylvania, its "Keystone," hanging suspended over its centre by a tie vote.

Lossing's "Lives of the Signers," (p. 113 :) "The delegation from Pennsylvania, then present, were equally divided in opinion on the subject of independence, and Mr. Morton was called on officially to give a casting vote for that State. This was a solemn responsibility thrown on him. *It was for him to decide whether there should be a UNANIMOUS vote of the colonies for independence; whether Pennsylvania should form one of the American Union. But he firmly met the responsibility, and voted 'yes,' and from that moment these united colonies were declared independent States.*" Simultaneously the "Keystone" was in its place, the "Arch of Union" completed, and the nation born. This confirmation showed that the people, after mature deliberation, (or, more properly speaking, the constituency of the New York delegation,) had confidence in the wisdom of their action; on the other hand, had there been no confirmation, the result would not have been altered, as the resolution was adopted unanimously on the 4th, and read from the State House balcony, in Philadelphia, as "The Unanimous Declaration," etc., etc., on the 8th. So much for the claims of New York.

In Sanderson's biography of the "Signers of the Declaration

of Independence," (Vol. VI., p. 209,) the biographer, in speaking of Judge John Morton, says: "No wonder, then, that Mr. Morton experienced the most intense anxiety of mind when he was required to give the *casting* vote of the Pennsylvania delegation — a vote which would either confirm or destroy the unanimity of the Declaration of Independence." Judge Conrad's revised edition of the same work, Lossing's "Lives of the Signers," and Lieber's "Encyclopædia Americana," (Vol. IX., p. 57,) make mention of the same fact. It is very evident, therefore, that the other colonies had favored the resolution; else how could the vote of John Morton have confirmed or destroyed its unanimity? What ground, other than that of prejudice, is there for the *World's* assertion that there never was a moment in the whole proceeding when a casting vote was desired?

Sanderson, the ablest biographer of these remarkable men, in the same volume, and on the same page, further says: "That everything depended upon Mr. Morton, and the most disastrous consequences would have attended a vote in the negative." When it is remembered that, of the five delegates present from Pennsylvania, two had voted for and two against the adoption — that the other States had voted, and that it depended on John Morton solely and alone to confirm or destroy unanimity — is it any wonder the pre-eminence was awarded Pennsylvania by giving her the central position in the symbolical devices of the day? The *World* further says that "the position of Pennsylvania as the 'Keystone' was equally the fortuitous position of the State in the order of enumeration common at that time, with six States on one side of it and six on the other." If this "order of enumeration" was common at that time, why did she not vote seventh — her numerical order — instead of last, as has been fully proven? The *World* is, no doubt, indebted to the *Gleaner's* contributor for their ideas on the origin of our appellation, viz.: Rock Creek bridge. There is a striking

resemblance between the bridge over Rock Creek and the *World's* editorial — the one being constructed of the *refuse* material of public buildings, and the other *the refuse* of any respectable paper in Pennsylvania.

In Preston's "Leading Spirits of the Revolution," (Vol. I., p. 131,) the following extract from a speech of John Adams, referring to the munificence of Robert Morris, a Pennsylvanian, during the Revolutionary War, will, beyond doubt, settle the pseudo historian's claim to the Rock Creek bridge origin. (This volume was published for the author by Thomas Dobson, in 1795, at the Stone House, No. 4 South Second Street, Philadelphia — six years, at least, before the construction of the *Public Buildings* and Rock Creek bridge.) Mr. Adams, after paying a glowing tribute to Morris's generosity, said that "my adopted State (Pennsylvania) is doubly entitled to be called the 'Keystone of the Federal Arch' on account of this pecuniary aid, furnished through the personal sacrifices and untiring efforts of Robert Morris." Reference was made to some event prior to the munificence of Robert Morris, and what more appropriate than the casting vote of John Morton on the Déclaration of Independence? So much for Rock Creek bridge!



From the Sunday Transcript, of Philadelphia, of May 7,  
1871.

### "THE KEYSTONE STATE."

Apropos of the recent newspaper controversy concerning the origin of the term "Keystone State," as applied to Pennsylvania, the following extract will prove that the idea of the Government architect, L'Enfant, in constructing the arch of the bridge at Rock Creek, in the District of Columbia, of *thirteen* segments, was not original with him. Marshall's "Life of Washington" (Vol. II., p. 142), referring to the

entry of General Washington into Trenton on April 21st, 1789, says: "On the bridge over the creek which passes through the town was erected a triumphal *arch*, highly ornamented with laurels and flowers, and supported by *thirteen pillars*, each entwined with wreaths of evergreen."

Regarding the claims of the New York *World*, that New York was the last State to vote on the Declaration of Independence, viz., July 9, 1776, the following extract, from Watson's "Annals of Philadelphia" (Vol. II., p. 293), successfully disproves it: "The Declaration of Independence was read in the State House yard (Philadelphia), from a small observatory there, by Captain John Hopkins, commander of a small brig, part of his father's (Ezekiel Hopkins) squadron of three vessels. It was *formally* read at noon, on July 8th, 1776, in the presence of many thousand spectators."

It will, therefore, be conceded that New York must have voted prior to the reading of the *unanimous* Declaration of Independence.

It has been satisfactorily proven that her geographical position—a mere accidental circumstance—did not give her the appellation. Texas is called the "Lone Star," not from her geographical, but from her former political isolation.

As Pennsylvanians, it should not be wished to attribute the origin of our title, as the "Keystone of the Federal Arch," to any event which would not bear the closest and strictest scrutiny as regards historical truth; but our pride should most certainly forbid us to ascribe the origin of our glorious appellation to the construction of an obscure bridge in a then unfrequented part of the country. More particularly so when the most searching investigations of historians and antiquarians prove the contrary.

Independence Hall is a shrine at which thousands of American hearts throb with intensity. Indescribable sensations steal irresistibly over the senses as we stand within its "hallowed precincts," and let the mind wander back to the

trying times when the "counterfeit presentments," held sacred here as relics, "lived, moved, and had their being." These stern-looking representatives of the past tell us, in awful silence, to be wary of the liberties they bequeathed to us at so great a sacrifice. What tongue can tell, what pen can describe, the solemn responsibility that the promulgators of the Declaration of Independence assumed? For years they had borne with meekness and fortitude the iron heel of oppression, and writhed under the avaricious exactions of tyranny. The future destiny of the country depended upon the wisdom of their actions. The resounding clash of arms had already quickened the pulsations of the hearts of the patriots, and although they were in ill condition to battle for their rights with the strongest nation on the globe, they *unanimously* declared, in their august convocation on the 4th of July, 1776, that "these united colonies are, and of right ought to be, free and independent States." In the event of failure, they were determined to immolate their own lives upon the altar of their country as an offering to freedom. This Hall was the great battle-field of the new-born Republic. Here was given the incentive to action. The resolute refusal to comply with the unjust exactions of despotism found vent here in the "thunders of their eloquence." What intelligent and susceptible mind who gazes upon these sacred mementos, but is carried back to the day, now memorable forever, when these stern old patriots were deliberating, and about to vote, on the Declaration. Firmness, unanimity, and unity of purpose were all-important requisites. Hancock suggests to Franklin, "We must all hang together now." "Yes," responded the resolute philosopher, "or most assuredly we will all hang separately."

Hancock appends his signature to the document in large, bold characters, and sublimely remarks, "There—John Bull can read *my* name without spectacles. *That is my defiance.*"

These were the architects of our freedom. Colony after

colony had voted, block after block had been added to the "Federal Arch"—twelve segments in freedom's device. Pennsylvania, the second largest in population, and the most important in commercial enterprise, still remains. Her delegation stands *a tie*, with John Morton yet to vote. He rises as his name is called; the key-stone—the thirteenth, most important and sustaining block of the arch—wavers above its position; the friends of independence gasp for breath, and all eyes turn involuntarily towards him; but, undismayed by the threats of enemies or the entreaties of friends, he voted for liberty—the key-stone dropped in its position, and the Federal Arch was complete.

The thoughtful mind who comprehends John Morton's position, and reflects upon the solemn responsibility thus thrown upon a man whom the people had honored with numerous political offices, and the statesman who had viewed the matter in every possible light, cannot but admire his firmness and decision. His vote secured unanimity, and not only *laid* the key-stone, but the foundation of the Republic. Independence Hall is not complete without his portrait.

This subject is ably and comprehensively treated by a piece of poetry that went the rounds of the press, of which the following is an extract:

The Continental Congress met;  
 Each delegate had said his say  
 Save one, who had not spoken yet,  
 With us the vote remained a tie:  
 Good Pennsylvania held the sway,  
 'Twas she who now must cast the die—  
 To wreck or save.

John Morton's called; all eyes are strained;  
 The *Federal Arch* is almost built,  
 The arch that Freedom's God ordained,  
 He voted right, all undismayed,  
 Even though his true heart's blood be spilt;  
 And thus he nobly, safely laid  
 The key-stone.



John Morton gained eternal fame ;  
'T will last with Independence Day,  
And Pennsylvania gained a name --  
The "Keystone State."



From the *Evening Star*, of Philadelphia, of June 24, 1871.

A LEAF FROM OUR HISTORY — HOW PENNSYLVANIA EARNED THE TITLE OF "KEYSTONE STATE."

Pennsylvania's appellation of "Keystone State" appears to be annoying some of our New York contemporaries to such an extent that they are endeavoring not only to throw doubt upon our right to the title, but have already formed the wedge to lay claim to it themselves. This is quite natural, and in accordance with the usual generous course of Gotham towards our State generally, and city in particular.

We are not astonished at the ignorance made manifest by an article which lately appeared in the *New York World* on the subject, because New Yorkers are, and always have been, proverbially ignorant in all matters pertaining to the credit of our Commonwealth. We are astonished, however, and consider it exceedingly discreditably to Pennsylvania, that so few should know the political significance of the title. Until the recent agitation on the subject, few, indeed, of our citizens were really able to assign any cause for it; while a small number judged that it was from the geographical position of the State in connection with the thirteen colonies, which in convention voted for the Declaration of Independence. Now it is a well authenticated fact that the arch is the strongest combination known to mechanics, and that the key-stone, forming the centre, is the all-important section; without it the arch is as nothing, a mere substance, without

power to sustain its own weight. The key-stone, therefore, is everything to the arch, and is, as its name signifies, the key of the structure.

Hence, Pennsylvania must have wielded a power (which, likely, was by mere chance) in that convention greater than any other single colony, otherwise it would never have been honored by the title. History proves wherein lay the power. Lossing's "Lives of the Signers" (p. 113) says: "The delegation from Pennsylvania, then present, were equally divided in opinion on the subject of independence, and Mr. Morton was called on officially to give a casting vote for that State. This was a solemn responsibility thrown on him. It was for him to decide whether there should be a unanimous vote of the colonies for independence; whether Pennsylvania should form one of the American Union. But he firmly met the responsibility, and voted 'yes;' and from that moment these united colonies were declared independent States."

Suppose, for argument's sake, that New York, Delaware, or any other of those States represented, had voted as Pennsylvania did—the last, could or would we ask, in all sincerity, that our State should be named the "Keystone" from her geographical position, in face of the facts entitling some other State to the title? Such an idea would simply be absurd, and not to be entertained for a moment.

If any other State had ever had the shadow of a claim to the title, we doubt whether they would have let the claim become outlawed by nearly a century's silence. It is evident, therefore, that from political power alone our State is indebted for the proud title, and such a one as our citizens should defend against all.

From the Sunday Dispatch of June 25, 1871.

### THE KEYSTONE STATE.

The right of our good old Commonwealth to the appellation "Keystone State" has at this late day been disputed by envious and misinformed New York journalists.

It has been recently asserted by a New York newspaper, that the Declaration of Independence was not the unanimous act of the thirteen united colonies until the ninth of July, 1776, when New York gave her assent to that important political measure. The arguments in support of this theory are based upon extracts from Hildreth's "History of the United States," (Vol. III., page 136,) and Bancroft's "History of the United States," (Vol. VIII., page 450,) to the effect that the "New Provincial Congress of the State of New York met at White Plains, New York, on the ninth of July, 1776, with authority to form a government, and gave their sanction to the Declaration, which then became the unanimous act of the thirteen United States."

While due respect must be paid to Hildreth and Bancroft as historians, the following array of extracts from equally good historical authority is submitted to prove that they erred in their accounts of the proceedings of the Continental Congress; or, as a writer in a Philadelphia newspaper of April 30th, 1871, says, that "the Provincial Congress of the State of New York, which met at White Plains on the ninth of July, 1776, merely confirmed the action of the New York delegation to the Continental Congress."

The Declaration of Independence was given to the world, bearing date July 4th, 1776, as the UNANIMOUS Declaration of the thirteen United States of America.

The "Journal of Congress," published in 1778, by John Dunlap, (Vol. II., page 241,) says:

The Declaration being read, was agreed to by *all* the States. The same day (July 4th) copies of the Declaration were ordered

to be sent to the several Assemblies, conventions, etc., etc., of the different States.

In Watson's "Annals of Philadelphia," (Vol. II., page 293,) it will be seen that on the *eighth of July*, A. D. 1776, Captain John Hopkins read the Declaration of Independence, as the unanimous act of the thirteen united colonies, in the presence of many thousand spectators.

John Adams, in a letter to his wife, dated July 5th, 1776, ("Pennsylvania Historical Collection," page 570,) said :

Yesterday, the greatest question that ever was debated in America, and greater, perhaps, never was, nor will be, decided among men. A resolution was passed, without *one dissenting* colony, that "these united colonies are, and of right ought to be, free and independent States."

In another letter from John Adams to his wife, of the same date, book, and page, after regretting that the Declaration had not been made months sooner, he says :

Time has been given for the whole people maturely to consider the great question of independence; to ripen their judgments, dissipate their fears, and assure their hopes, by discussing it in the newspapers and pamphlets, by debating it in assemblies, &c. ; so that the whole people in every colony of the thirteen have now adopted it as their own act.

In John Andrews's "History of the War with America," published in London in the year 1786, (Vol. II., page 217,) we find the following :

The fourth of July, 1776, was the memorable day on which the thirteen colonies declared themselves free and independent States, and abjured their allegiance to the crown and sovereignty of Great Britain.

"An Authentic and Original Journal of Events, etc., connected with the American Revolution," by R. Lamb, (published in Dublin, Ireland, 1809,) at pages 59, 60, says :

The fatal day at length arrived, which must be deeply regretted by every true friend of the British Empire, when the THIRTEEN

*English colonies* in America declared themselves free and independent States, and abjured all allegiance to the British crown, and renounced all connection with the mother country. On this day, the fourth day of July, the Congress published a manifesto, etc., etc.

“The History of the War of Independence,” by Charles Botta, (in the Italian language, translated by G. A. Otis, Vol. II., page 103,) says :

Consequently, on the fourth of July, A. D. 1776, upon the report of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Philip Livingston, the *thirteen* confederate colonies dissolved all their allegiance towards the British crown, and declared themselves free and independent, under the name of the thirteen United States of America.

Ibid., page 108 :

Independence was proclaimed with great solemnity on the eighth of July, A. D. 1776.

The “Cabinet Cyclopædia,” published in London in 1830, (Vol. I., page 183,) says :

The Declaration was solemnly taken into consideration on the fourth of July, 1776, and *unanimously* passed.

The “History of the American Revolution,” by Samuel F. Wilson, page 148, says :

These happy changes having been effected, the Declaration prepared by the special committee came up for final disposition, and on the fourth of July *received the assent of every colony*.

Pitkin’s “Political and Civil History of the United States,” (Vol. I., page 365,) says :

The delegates from Pennsylvania present July 1, 1776, were *seven*, four of whom voted against the Declaration. On the fourth of July, 1776, it again came before Congress for final decision, and received the vote of *every colony*.

Wilson’s “American History,” page 358, says :

The Declaration received the assent of *all* the colonies on the fourth of July, 1776.

George Ticknor Curtis's "History of the Constitution of the United States," (Vol. I., page 51,) says :

The Declaration of Independence was reported, by the committee who had been instructed to prepare it, on the twenty-eighth of June, A. D. 1776, and on the fourth of July following it received the *vote of every* colony, and was published to the world.

Lossing's "War of Independence," page 196, says :

On the fourth of July, 1776, *votes from all* the colonies were procured in favor of the Declaration, and from this act the thirteen united colonies declared themselves free and independent States.

Gordon's "History of Pennsylvania," published in 1829, page 537, says :

On the fourth of July, the Declaration was sanctioned by the *vote of every* colony.

In Niles's "Weekly Register," (Vol. XII., page 307,) Thomas McKean, in a letter to John Adams, dated at Philadelphia, January, 1814, after referring to the proceedings of the Continental Congress on the fourth of July, 1776, says :

On that date (July 4, 1776), unanimity in the *thirteen States*, an all-important point, was thus obtained. *The dissension of a single State* might have produced very dangerous consequences.

In Goodrich's "American Biography," in sketches of the lives of the New York delegation to the Continental Congress, the following will be found, on page 184, in relation to William Floyd, a signer of the Declaration from that State :

On that occasion (July 4, 1776), he *assisted* in dissolving the political bonds which had united the colonies to the British Government.

The same work, page 183, speaking of Henry Wisner, says :

This gentleman was present when Congress expressed their approbation of the Declaration of Independence, and *voted* in favor of it; but before the engrossed copy was signed by the

several members, Mr. Wisner left Congress, and thus failed of affixing his name to this memorable instrument.

(The foregoing is corroborated in a letter written by Thomas McKean to Mr. Dallas, of Pennsylvania, on the twenty-sixth of September, 1796.)

“American Biography,” page 190, speaking of Philip Livingston, of the New York delegation, says :

Of the equally distinguished Congress of 1776, Mr. Livingston was a member, and had the honor of giving *his vote* in favor of that Declaration.

Page 195 of the above work, in its sketch of Francis Lewis, another signer from New York, says :

He was among the number who declared the colonies forever absolved from their allegiance to the British crown, and from that time (July 4, 1776) entitled to the rank of free and independent States.

Page 201, speaking of Lewis Morris, another New York signer, says :

There were many in the colony (New York) who believed that a declaration of independence was not only a point of political expediency, but a matter of paramount duty. Of this latter class, Mr. Morris was one ; and, in giving *his vote* for that Declaration, he exhibited a patriotism, etc., which *few had it in their power to display*.

Sanderson, Lossing, and other biographers of these remarkable men, fully concur with Goodrich in regard to the votes of the New York delegation to the Continental Congress.

Pitkin’s “Political and Civil History of the United States,” published in 1828, (Vol. I., page 371,) says :

The Convention of New York, on the ninth of July, 1776, unanimately resolved that the reasons assigned by Congress for declaring the united colonies free and independent States were

cogent and conclusive; and that, while they lamented the cruel necessity which rendered the measure unavoidable, they *approved* of the same, and expressed their determination, at the risk of their lives and fortunes, to join in its support.

What intelligent mind, in the face of such testimony as the above proven historical facts, will not conclude that unanimity was obtained on the fourth of July, 1776?

How can Hildreth or Bancroft, and, latterly, the aspiring editor of the *New York World*, contend that the New York delegation did not vote on the fourth of July, when the eminent biographers before mentioned state *precisely* to the contrary?

Thomas McKean and John Adams, actors in that celebrated assembly, and

“Who had themselves  
Been a part of what they told,”

agree that all the States voted on the fourth of July, 1776, as has been fully proven by the foregoing extracts from their letters. The best historical authorities of this and the Old World concur in the fact that it was the unanimous Declaration of the thirteen States, and that it was declared on the fourth of July, A. D. 1776. New York must have voted on the fourth of July.

Regarding Pennsylvania's right to the appellation “Key-stone State,” and to prove that the origin is based upon an important historical event in her State history, viz.: that in the Continental Congress, on July 4th, 1776, the famous resolution of Richard Henry Lee was presented for a final vote, and received the sanction of every colony—Pennsylvania voting last, the following authorities are submitted to the judgment of the unbiased reader: Sander-son's “Biography of the Signers,” Vol. VI., page 209; Los-sing's “Lives of the Signers,” page 113; Lieber's “Encyclo-pædia Americana,” Vol. IX., page 57; Appleton's “New



American Encyclopædia," Vol. II., page 759; and Judge Robert T. Conrad's revised edition of the "Lives of the Signers," page 450, all concur that Pennsylvania was the last State to vote on the Declaration.

Pennsylvania, in some particulars, has a peculiar history. One of her peculiarities has been in always casting her electoral vote for the successful Presidential candidate. It has become a trite saying, that "as Pennsylvania goes, so goes the Union."

Another peculiarity was her geographical position — six of the original thirteen States lying to the north and east, and six to the south and west. It will thus be seen that, while her numerical order was *seventh* in the "original thirteen," the order of enumeration was not adhered to in voting on the Declaration. It was her vote — the last vote for the measure — that secured unanimity. Hence, like the keystone of the arch, she bound her sister colonies together so strongly that the weight of Britain's tyranny was unable to crush them. As the thirteen columns were used to symbolize the thirteen States, (Marshall's "Life of Washington," Vol. II., page 142,) so the term "Federal Arch" is symbolical of the thirteen votes of the thirteen States in the Continental Congress, on the fourth of July, A. D. 1776, in favor of independence. When it is remembered that an arch is the strongest structure in mechanics, it must be acknowledged that the selection of it to symbolize the unanimous Declaration of the thirteen colonies, and the strength of the solemn pledge each to the other therein made, was very appropriate; that it was for maintaining this structure of their liberties unharmed that they pledged "their lives, their fortunes, and their sacred honor."

This arch was constructed block by block as colony after colony voted; and, as Pennsylvania was the last or thirteenth State to vote, she became of necessity the "key-stone of the arch of union," as is beautifully shown by the following

extracts from an address delivered last year (1870) before the Historical Society of Pennsylvania :

Pennsylvania, "the Keystone State," so called because, when the Declaration of Independence was under consideration, each State by its delegation was in front of the Speaker's chair — six on the right and six on the left, with Pennsylvania, like a key-stone, in the centre; and because the vote was taken by States — a majority of the delegates from each State carrying the State — and she being the last or thirteenth State to vote, thus becoming the key-stone of the "Federal Arch." Cordiality and unanimity in all the thirteen States were regarded as of absolute importance, and the dissension of a single State as disastrous in the extreme.

On July 1, 1776, all the States, excepting Delaware and Pennsylvania, voted in the affirmative — the latter in the negative, by a vote of *four to three*. On the fourth of July, all the other States, including Delaware, having voted in the affirmative, Pennsylvania, with but five members present, (one of whom had been called out by friends opposed to the measure, and two who had voted in the negative, on the first, being absent,) voted, two in the affirmative and two in the negative, with her casting vote in the hands of the one member momentarily expected in. Here was a momentous pause in a time when men's souls were tried to the very centre. The "Arch of Union" standing hazardous, with the key-stone suspended over it by a tie vote, and all, in deep anxiety, looking for the one Pennsylvania member to come in, by whose vote the great decision would be made. That man was John Morton. It is said that John Hancock, anxious for his arrival, instead of declaring the vote, occupied the time in speaking until he saw him enter the door. Here was a man having adverse influences brought to bear on him outside — influences of almost crushing weight — by persons who viewed the Declaration as direct rebellion to British rule, and who apprehended that failure would end in dreadful punishment. Yet that noble patriot and man, with love of country in his heart rising above all, came in, and took the responsibility of deciding the great question, not only for Pennsylvania, but as umpire for the whole country. John Morton voted. Simultaneously the key-stone

was in its place; the arch was complete; the States were unanimous; the grand Declaration sprang into life; the fountain of Freedom flowed; Independence, Liberty, and Union stood baptized, and a nation was born.

Well might the spirits of the Huguenots, the Pilgrims, and the Puritans, and Penn, have lingered here to approve, rejoice, and say: "Let all these have a choice place in every American heart, to be seen in the brightest mirror of memory forever!"



From the Sunday Dispatch, of Philadelphia, of July 9, 1871.

"D. W." — What contemporaneous or early authority is there for the statement that John Morton gave the casting vote of the Pennsylvania delegation in Congress in favor of independence on the fourth of July, 1776? . . . Governor McKean, in his letter of June 16, 1817, says:

On Monday, the first day of July, 1776, the arguments in Congress for and against the Declaration of Independence having been exhausted, and the measure having been fully considered, the Congress resolved itself into a committee of the whole. The question was put by the chairman, and all the *States* voted in the affirmative except Pennsylvania, which was in the negative, and Delaware, which was equally divided. Pennsylvania at that time had seven members, viz.: John Morton, Benjamin Franklin, James Wilson, John Dickinson, Robert Morris, Thomas Willing, and Charles Humphreys. All were present on the first of July, and the first three voted for the Declaration of Independence, the remaining four against it.

Mr. McKean afterwards states that on the fourth of July Morton, Franklin, and Wilson voted for independence, Willing and Humphreys voted against it, and Dickinson and Morris, although present, did not take their seats. As Morton voted for independence on the first of July, it is difficult to see why there should have been any doubt as to his vote on the fourth of July.

From the Sunday Dispatch of July 16, 1871.

“KEYSTONE.”—The question propounded by “D. W.” in your last edition, concerning the casting vote of John Morton, of the Pennsylvania delegation in the Continental Congress, is fully and ably answered in Lossing’s “Lives of the Signers,” page 113 :

The delegation from Pennsylvania then present were equally divided in opinion on the subject of independence, and Mr. Morton was called on officially to give a casting vote for that State. This was a solemn responsibility thrown on him. *It was for him to decide whether there should be a UNANIMOUS vote* of the colonies for independence—whether Pennsylvania should form one of the American Union. But he firmly met the responsibility, and voted “yes,” and *from that moment* these united colonies were declared independent States.

This is corroborated by Goodrich’s “Lives of the Signers,” page 283 ; Sanderson’s “Biography of the Signers,” Vol. VI., page 209 ; Lieber’s “Encyclopædia Americana,” Vol. IX., page 57 ; Appleton’s “New American Encyclopædia,” Vol. II., page 759 ; and Judge Robert T. Conrad’s revised edition of the “Lives of the Signers,” page 450. History in general is based upon contemporaneous authorities, which, in most cases, are as difficult to unearth from the sepulchres of the past as it would be to furnish the identical hatchet which Washington used in chopping his father’s cherry-tree.



From the Sunday Dispatch of July 23, 1871.

“D. W.”—My demand for contemporaneous or early authority for the assertion that John Morton gave the casting vote for independence in the Pennsylvania delegation to Congress is *not* met by telling me that Mr. Lossing, and other respectable writers, have said that he did so, within

the last twenty, thirty, forty, or fifty years. If A, B, and C vote one way, and Y and Z vote the other way, we cannot justly say that either A, B, or C gave the casting vote, unless we *know* that he voted after the two others who were on his side of the question. *How* does any one now living know that Morton voted for independence after Franklin and Wilson had voted for it? For my own part, I no more credit this story than I do George Lippard's trash about the blue-eyed, curly-headed boy who called out to his father, "Ring! father, ring!" This rodomontade is occasionally dished up to us as *history!*—as was done on July 4, 1869, by a member of Common Council, in a speech to the children of the public schools, at the dedication of the statue of Washington, which the children had paid for. *Such history* was a poor return for their contributions. If the story about Morton is better founded than Lippard's or Hanna's history, let us have the evidence of it.



From the Sunday Dispatch of July 23, 1871.

"MONKBARNES."—The question put in the *Sunday Dispatch* by "D. W.," in relation to John Morton's "casting vote" on the Declaration of Independence, is not satisfactorily answered. Like "D. W.," I have some anxiety to know "what contemporaneous or early authority is there for the statement that John Morton gave the casting vote of the Pennsylvania delegation in Congress in favor of independence on the fourth of July, 1776?" It is asserted that "Pennsylvania had four delegates present—two voted for, and two against, the Declaration. One was expected to come in, *who had been called out by friends and others* to urge him to vote in the negative. That one was John Morton." Now, if John Morton voted for it on the first of July, as by the quotations from McKean's letters given in the *Dispatch*, there is all the greater reason to discredit his supposed (or rather asserted) hesitation or backwardness on the

fourth. It seems to be generally overlooked, now, that the colonies *instructed* their delegates, and that the delegates generally acted or voted accordingly. John Morton was Speaker of the House, and signed the instructions to the Pennsylvania delegation, "that you, in behalf of this colony, dissent from and utterly reject any propositions — should such be made — that may cause or lead to a separation from the mother country." These instructions do not appear to have been revoked by the Assembly. But at a meeting of the deputies of the counties in Philadelphia, *they* resolved, "In behalf of ourselves, and with the approbation, consent, and authority of our constituents, we unanimously declare our *willingness* to concur in a vote of the Congress declaring the United States free and independent States." If your contributor of "The Keystone State" will look at contemporaneous authority instead of Botta, Goodrich, *et id omne genus*, he will find that the New York delegation was similarly situated, except that its members were not instructed, and *never did* vote, either for or against independence; and that one of the representatives was so indignant at the *confirmation* of the action of the majority that he indignantly resigned his seat. The whole history of "The Declaration," I shall, before long, publish. *Justitia fiat calum ruat.*



From the Sunday Dispatch of July 30, 1871.

"KEYSTONE STATE." — "Monkbarns," in the issue of the *Sunday Dispatch* of the 23d inst., expresses anxiety to know what contemporaneous or early authority there is for the statement that John Morton gave the casting vote of the Pennsylvania delegation in Congress in favor of "independence, July 4, 1776," and states that "he (John Morton) was Speaker of the House of Representatives of Pennsylvania,

and signed the instructions to the delegation to dissent from and utterly reject any propositions that might cause or lead to a separation from the mother country, and that these instructions had never been revoked." He also suggests that "if the contributor of 'The Keystone State,' in your edition of June 25, 1871, would look at contemporaneous authority instead of Goodrich, Botta, *et id omne genus*, he would find that the New York delegation was similarly situated, except that its members were not instructed, and never did vote, for or against independence." "Monkbarns" informs our unenlightened community that "he is about to publish a whole history of the Declaration," ending his communication with the classic "saw," *Justitia fiat calum ruat*. As regards the casting vote of John Morton, of the Pennsylvania delegation, on the Declaration, July 4, 1776, "Monkbarns" is respectfully referred to another part of this article, where the facts are fully set forth. A reperusal of the article in your edition of June 25, 1871, and a careful examination of the authorities therein cited, would have dispelled all doubts. In order to set the question beyond dispute, as regards the vote of the New York delegation on the fourth of July, 1776, a brief *résumé* of the authorities therein cited, and a few additional extracts, all of which are derived from contemporaneous authorities, are respectfully submitted. The Declaration of Independence, over the signature of John Hancock, in its first publication, commences with the following unmistakable language: "In Congress, July 4, 1776. The unanimous Declaration of the Thirteen United States of America." If New York did not vote on the fourth of July, 1776, then John Hancock appended his signature to that which he knew to be false. That John Hancock subscribed to the truth, we have the testimony of John Adams, one of the brightest lights of that Congress, who, in a letter written to his wife, dated July 5, 1776, ("Pennsylvania Historical Collection," page 570,) says:

Yesterday, the greatest question was decided which ever was debated in America, and greater, perhaps, never was, nor will be, decided among men. A resolution was passed, without *one dissenting colony*, that these united colonies are, and of right ought to be, free and independent States.

And, further, after regretting that the Declaration had not been passed months sooner, concludes as follows :

Time has been given for the whole people maturely to consider the great question of independence, etc., by discussing it in newspapers, etc., so that the whole people in every colony of the *thirteen have now adopted it as their own act*.

This is contemporaneous proof of the most positive and decided character that John Hancock was right in promulgating the fact that all the *thirteen* States voted on the fourth day of July, A. D. 1776. Prior to August 2, 1776, the Declaration had been engrossed on parchment, and on that day it was signed — every one of whom so signing, including Livingston, Morris, and others of the New York delegation, certified to the fact that independence was declared on the fourth of July, 1776, and that it was the unanimous act of the thirteen United States of America. (See anastatic facsimile of the Declaration in Independence Hall.) This is contemporaneous authority as unimpeachable as the characters of the illustrious patriots who signed the document itself.

Of the whole number of signers, but forty-eight (48) were members of the Congress of July 4, 1776. Some who voted on that day in favor of the Declaration were not members when it was signed, as was the case with Henry Wisner of the New York delegation, as appears in a letter from Thomas McKean, one of the signers, to Mr. Dallas, of Pennsylvania, dated 26th September, 1796. — (*Remember date.*) — Goodrich's "*American Biography*," page 328.

This the most skeptical must accept as contemporaneous. The following is the extract :



I was personally present in Congress, and voted in favor of independence, on the fourth of July, 1776. Henry Wisner, of the State of New York, was also in Congress, and voted for independence.

If New York did not vote on the fourth of July, 1776, how could Thomas McKean have seen Henry Wisner vote? Thomas McKean was a prominent member of this Congress, afterwards Chief Justice and Governor of Pennsylvania, and was deservedly held in the highest repute. In an autograph letter addressed to a nephew of Caesar Rodney, one of the signers from Delaware, bearing date August 22, 1813, (see "Book of the Signers," by William Brotherhead, page 67,) he says :

I recollect what passed in Congress in the beginning of July, 1776, respecting independence. It was not as you have conceived. On Monday, the first of July, the great question was taken in committee of the whole, when the State of Pennsylvania, represented by seven gentlemen then present, voted against it. Delaware, having then only two representatives present, was divided. *All the other States voted in favor of it.*

After explaining that he sent an express at his private expense for Caesar Rodney, the remaining member for Delaware, he states that he met him at the State House door, in his boots and spurs, on the morning of the fourth of July, 1776, and that, without a word on the business, they went into the hall of Congress together, and found they were among the latest. Proceedings immediately commenced, and after a few minutes the great question was called, when Rodney, voting with him, (McKean,) secured the voice of Delaware. Pennsylvania (there being only five members present — Dickinson and Morris, who before voted in the negative, being absent) voted for it, three to two. "And," continues McKean :

Unanimity in the thirteen States—an all-important point

on so great an occasion — was thus obtained. The dissension of a single State might have produced very dangerous consequences!

And further:

You may rely on the accuracy of the foregoing relation!

McKean sets forth these same facts in another letter to his Excellency, John Adams, dated at Philadelphia, January, 1814, (Niles's "Weekly Register," Vol. XII., page 307.) How, in the face of the foregoing undoubted proof, — all of which is strictly contemporaneous, — can "Monkbarns" attempt to disprove that which, for nearly a century, has been regarded by every true American as a sacred historical truth? Surely he does not realize the unenviable position he assumes in thus questioning the veracity of such men as John Adams, Thomas McKean, and all the other signers to the glorious Declaration? No wonder, then, that Macaulay, in his "History of the State of New York," (Vol. III., page 232,) corroborates the views taken above, as do also Andrews's "History of the War with America," published in London, 1786, Vol. II., page 217; Botta's "History of the War of Independence," (translated by Otis,) Vol. II., page 103; "Cabinet Cyclopædia," published in 1830, Vol. I., page 183; Pitkin's "Civil and Political History of the United States," published in 1828, Vol. I., pages 365 and 371; Wilson's "American History," page 358; George Ticknor Curtis's "History of the Constitution of the United States," Vol. I., page 51; Lossing's "War of Independence," page 196; Gordon's "History of Pennsylvania," published in 1829, page 537; Goodrich's "American Biography," pages 183 to 203 inclusive, and a host of others. As well might "Monkbarns" attempt to prove that there never was a Continental Congress, and that the Declaration of Independence was never adopted, as to disprove the overwhelming testimony herein cited. But should he, in his proposed history of the

Declaration, satisfactorily prove that it was not the unanimous act of the thirteen States in Congress, July 4, 1776; if he can set aside the contemporaneous authorities above given — then it must be admitted that Pennsylvania's title, as the “Keystone of the Federal Arch,” is a gross misinterpretation of the adoption of the Declaration of Independence.



From the Sunday Dispatch of August 6, 1871.

“KEYSTONE STATE.” — In your issue of July 23d, “D. W.” says:

My demand for contemporaneous or early authority for the assertion that John Morton gave the casting vote for independence in the Pennsylvania delegation to Congress is *not* met by telling me that Mr. Lossing, and other respectable writers, have said that he did so, within the last twenty, thirty, forty, or fifty years.

As the Declaration was carried in the Pennsylvania delegation, July 4, 1776, by a vote of three to two, — a majority of one, — it is clear that, had the last member voting in the affirmative voted instead in the negative, the State would have so declared. Therefore, this one member held in his hands the casting vote of his State. Of those voting in the affirmative, to wit: Wilson, Franklin, and Morton, all historical authority — contemporaneous or otherwise — agree in according the honor of giving this casting vote to Mr. Morton. Contemporaneous authority in this case consists of standard works, written and published during the lifetime of prominent signers of the Declaration of Independence, from whom writers could obtain reliable information, or who could correct misstatements, if any were made. For the present, we subjoin the following authority, published in the year 1809 — sixty-two years old — and contemporaneous with the following illustrious signers, viz.: Thomas Heyward,

died March 30th, 1809; Samuel Chase, June 19th, 1811; William Williams, August 2d, 1811; George Clymer, January 23d, 1813; Benjamin Rush, April 19th, 1813; Robert Treat Paine, May 11th, 1814; Elbridge Gerry, November 23d, 1814; Thomas McKean, June 24th, 1817; William Ellery, February 15th, 1820; William Floyd, August 1st, 1821; Thomas Jefferson, July 4th, 1826; John Adams, July 4th, 1826; and Charles Carroll of Carrollton, November 14th, 1832 — to wit: by William Allen, D. D., in his "American Biographical Dictionary," (page 596,) as follows:

He (John Morton), in 1776, voted in favor of the Declaration of Independence. Had he voted on the other side, the voice of Pennsylvania would have been against the Declaration, as the other delegates were equally divided on the subject.

Also is submitted authority published in 1823 — contemporaneous, as will be observed, with Thomas Jefferson, John Adams, and Charles Carroll — to wit: Sanderson's "Biography of the Signers," (Vol. VI., page 209,) wherein he says:

Everything depended on the determination of Mr. Morton. He was required to give the casting vote of the Pennsylvania delegation — *a vote which would confirm or destroy the unanimity of the Declaration of Independence.*

With such "contemporaneous and early authority," the eminent historiographers — Goodrich, Blake, Lieber, Appleton, Conrad, and Lossing — could not do other than agree and corroborate, as they did. It is also corroborated by the inscription on Morton's monument at Chester, erected October 9th, 1845. Now, will "D. W." please give equally good "contemporaneous or early authority" corroborative of *his* peculiar views on the subject? He should do so, or, like an honorable man, frankly admit the conclusiveness of the authorities offered for his candid consideration. *Justitia fiat cælum ruat.*

From the Sunday Dispatch of September 10, 1871.

“MONKBARNS.” — In my pursuit after facts, regardless of whom it may affect, I still press “D. W.’s” and my question: What contemporaneous or early authority is there that John Morton gave the *casting* vote of the Pennsylvania delegation in Congress in favor of independence on the fourth of July, 1776? Will “Keystone State” answer it, if he has it in his power? In reference to contemporaneous evidence, I consider letters, or official records of the date of the act only, as coming within that term. In default of such, then, the *recollections* of the actors are certainly admissible, at any distance of time, if consistent. Mr. Adams’s letter of the third of July, (cited by “Keystone State” as having been written on the fifth of July,) although otherwise quoted correctly, also says: “The second day of July, 1776, will be the most memorable epoch in the history of America. I am apt to believe that it will be celebrated by succeeding generations as the great anniversary festival.” He says, too, — unquestionably in the same letter, — “A resolution was passed without one dissenting colony.” The copy now before me was printed by one of the greatest, if not the greatest, contributors to American history, *from the original*; and there can be no mistake in the fact that it was written the day before the events occurred which we are just now endeavoring to prove. Incidentally, however, we may observe that New York not voting does not implicate Mr. Adams in an untruth. There now lies before me, also, Mr. McKean’s letter to Mr. Dallas, printed by Mr. Dallas, which *is* in correspondence with that cited from Goodrich, dated September 26, 1796, (a date we are requested to remember,) in which he states: “Henry Wisner, of the State of New York, was also in Congress, and *voted* for independence.” I say distinctly that the *memory* of the venerable Chief Justice was at fault; nor is it surprising that, after a lapse of twenty years, he should confound the *opinions* of a

man with his actions. Elbridge Gerry — an active worker for independence in and out of Congress, a signer of the Declaration itself, and subsequently Vice-President — writes on the fifth of July, 1776, to James Warren: “A determined resolution of the delegates from some of the colonies to push the question of independence has had a most happy effect; and, after a day’s debate, all the colonies *excepting New York* — whose delegates are not empowered to give either an affirmative or a negative vote — united,” etc., etc. Letters of Samuel Adams, of Josiah Bartlett, and of John Adams himself, now before me, explicitly state this fact, as well as Gerry. But let us turn to what Henry Wisner himself says in an official letter to the power appointing him, July 2, 1776: “The important question of independence was agitated yesterday in a committee of the whole Congress, and this day will be finally determined in the House. We know the line of *our* conduct on this occasion. We have your instructions, and we will faithfully pursue them. . . . New doubts and difficulties, however, will arise, should independence be declared, and that it will not we have not the least reason to expect; nor do we believe that (if any) more than one colony, and the delegates of that colony divided, will vote against the question; every colony, ours only excepted, having withdrawn their former instructions, and having either positively instructed their delegates to vote for independence, or to concur in such vote.” The journals of the New York Provincial Congress show that this letter was received on the ninth of July, and also a letter indorsing the Declaration of Independence; and that on the afternoon of the same day it approved the same, and promised to join the other colonies, etc. In the letter of Mr. Gerry of the fifth of July, already quoted, he also says: “New York will most probably on Monday next, when its convention meets for forming a constitution, join in the measure, and *then* it will be entitled the *unanimous* Declara-

tion of the thirteen United States of America." The first printed journal, (official, 1778, John Dunlap, page 26,) under date of July 4, does not call it "*unanimous*;" but that word was inserted in engrossing it on parchment subsequently. This full statement is furnished in the belief that "Keystone State" is a searcher for the truth as well as myself; and it may be satisfactory to him to know that Mr. Bancroft himself had not, in 1865, been able to arrive at the facts which are now the subject of my investigation and scrutiny.



From the Sunday Dispatch of September 17, 1871.

"D. W." — "Keystone State" must excuse me for remaining unconvinced that Mr. Morton gave the casting vote in the Pennsylvania delegation in favor of independence on the fourth of July, 1776. I cannot, therefore, accept his invitation to admit the conclusiveness of what he considers authorities on his side of the question. Nor do I feel called upon to give authority for what he considers my peculiar views upon the subject. "Keystone State" ought to know that the burden of proof rests upon the party maintaining the affirmative. It is for him to prove that Mr. Morton gave that casting vote; not for me to prove that he did not. It is a principle of logic that a negative cannot be proved. I asked for early or contemporaneous evidence in support of the story about Mr. Morton's casting vote, and "Keystone State," in answer to this, produces, as his first witness, William Allen, D. D., who, in the year 1809, being thirty-three years after 1776, published a "Biographical Dictionary." I hold him to be neither a contemporaneous nor an early witness; but, if he had issued his book in 1776, instead of 1809, what he asserts would be no evidence in support of "Keystone State's" views. Here is what "Keystone State" quotes from the reverend doctor:

He (John Morton), in 1776, voted in favor of the Declaration of Independence. Had he voted on the other side, the voice of Pennsylvania would have been against the Declaration, as the other delegates were equally divided on the subject.

This is perfectly true; and if Wilson had voted on the other side, or if Franklin had voted on the other side, the same result would have followed. What Dr. Allen has said above no more proves that Morton gave a casting vote than it proves that either Wilson or Franklin gave such a vote. Dr. Allen, you may leave the stand! We shall not cross-examine you. You do not appear to know anything about the matter respecting which you were summoned to testify. The testimony of the second witness is more to the point. It is Sanderson's "Biography of the Signers," published in 1823, being forty-seven years after 1776, and therefore, in accordance with the common use of the words, neither contemporaneous nor early. The notions of "Keystone State" are equally novel and extraordinary. He holds the statements in Sanderson's book to be contemporaneous with the doings in 1776, because several of the signers of the Declaration were living in 1823, and, as he assumes, did not contradict those statements. Before such an attempt at reasoning can have the slightest weight, it will be necessary for "Keystone State" to prove that the signers living in 1823 read the work of Sanderson, which will be very difficult for him to do; and then that, having read it, none of them contradicted the assertion respecting Morton's vote, which would be utterly impossible for "Keystone State" to do. If "Keystone State's" notion of the meaning of the word *contemporaneous* were correct, then, if Charles Carroll of Carrollton was now living, "Keystone State's" own assertion as to what occurred in 1776, ninety-five years ago, would be a contemporaneous account. Comment on such a view must be quite unnecessary. As to the inscription on Mr. Morton's tombstone, that has no weight.



There are tombstones that do not give the dates of birth and death correctly, and some which give the name of the person buried below incorrectly. Sometimes inscriptions on tombstones are forgeries, prepared to be offered in evidence of facts in dispute, as happened in England, in the matter of a claim to a peerage. So little reliance is placed upon such inscriptions, that, when we wish to describe a person utterly destitute of veracity, we say, "he lies like an epitaph."



From the Sunday Dispatch of September 24, 1871.

"KEYSTONE STATE."—When "Keystone State" prepared his article which appeared in the columns of the *Dispatch* on June 25, his sole object was to give the origin of the term "Keystone State" as applied to this Commonwealth. Having read numerous questions in the newspapers, all of which were differently answered, and having in vain sought the desired information from those whom he deemed most likely to impart it, he was surprised and shocked to find that no one could enlighten him on the subject. Such lamentable ignorance seemed wholly unaccountable. Some, who were asked, would venture an opinion, such as "perhaps, because of her geographical position in the original thirteen States," or, "probably, because of her commercial and political importance at the beginning of the Revolutionary War;" and, in one instance, a gentleman gravely replied that "Pennsylvania derived the name 'Keystone State' from the circumstance of a bridge having been built over Rock Creek, near Georgetown, D. C., the key-stone or central block in the arch of which bore the inscription, Pennsylvania." This ridiculous jumbling of improbabilities mortified "Keystone State" to such an extent that he resolved, at the expense of time and labor, to satisfy himself as to why and when his native State secured the suggestive appellation she now deservedly bears.

After a careful and impartial consideration of the geographical theory, it was rejected for the following reasons: First, The geographical position of the original thirteen States, taken from north-east to south-west, or *vice versa*, resembles an "S," and in no wise approaches the form of an arch; and granting, as has been argued, that the arch was merely figurative of the numerical order, what becomes of New Jersey? She is as much the centre as Pennsylvania. "Equality" was a principle well understood, and held sacred, by the patriots of the Revolution, and no particular pre-eminence was ascribed to our State because she was the larger of the two. Had there been no Declaration of Independence, Pennsylvania would never have been called the "Keystone State;" but, fortunately for the cause of humanity, there *was* a Declaration, and by reason of the peculiar part she played in that political act, whose unanimous adoption startled the world, she gained her envied appellation. "Keystone State" has thoroughly examined the legion of authorities extant, which mainly agree in establishing the following facts: That on the fourth of July, 1776, the Declaration was voted for and adopted by every colony of the thirteen; that the New York delegation, contrary to the instructions given by the Provincial Congress of New York, voted on that day; that the action taken by that body at White Plains, on the ninth of July following, was a mere confirmation of what could not be undone; that Pennsylvania was the last State to vote; and that her delegation being equally divided, it fell to the lot of John Morton to give the casting vote, which he did in favor of independence, thus securing the voice of Pennsylvania and the unanimity of the States. By the intrepidity of John Morton, the great political compact was sealed. Immediately after the solemn pledge was given to risk lives, fortunes, and honor in sustaining and perfecting their noble work, an arch containing thirteen blocks, representing the thirteen States, was selected

as being emblematical of the strength of the bond which bound them together, as representing the amount of pressure they could resist from their enemies, and as also showing how every block formed a component part of the structure, which never could have been completed had its *key-stone* been withheld. As the beautiful arch was set in the heavens as a token of God's promise to man, just so truly was the "arch of Liberty" emblematical of the unanimous covenant agreed to by our forefathers in Congress, July 4, 1776. "Keystone State" acknowledges that he is a searcher after truth, the above being a part of what he found in the records of the past. "Monkbarns" will — *he must* — accept the testimony of Botta, Goodrich, William Allen, Blake, Sander-son, Lossing, Dwight, Lieber, Brotherhead, Pitkin, Curtis, Paul Allen, etc., as being as near the truth as could be gotten. "Monkbarns" is informed that the Adams's letters are variously quoted as dated July 3 and July 5, 1776. Many standard histories, biographies, etc., refer to them as dated July 5, 1776, including the "Pennsylvania Historical Collection," at page 570, wherein Adams says :

Yesterday, a resolution was passed, without one dissenting colony, that "these united colonies are, and of right ought to be, free and independent States," etc. . . . So that the whole people in every colony of the thirteen have now adopted it as their own act. . . . The day is passed. The fourth day of July, etc.

He is also informed that "Keystone State" is unwilling to doubt the veracity or the memory of Thomas McKean, who, not only in one letter, but in several letters, states explicitly that Henry Wisner, of New York, voted on the fourth of July, 1776, and that Cæsar Rodney did not appear in Congress until the fourth of July, 1776. This latter fact is corroborated by the distance he had to send, viz., eighty miles to Dover, making the gross distance travelled one hun-

dred and sixty miles, which, in those days, when railroads were unknown, would have been a physical impossibility in the time allowed by "Monkbarns," who states that, when McKean found how affairs stood on the first of July, he immediately dispatched an express for him, and had him there on the second of July.

Below is given a copy of a letter from McKean, the original of which is in possession of Mr. Rodney, of Wilmington, Delaware; a fac-simile of it is contained in Brotherhood's "Book of the Signers," pages 67, 68 and 69, and, as it gives much valuable information in this connection, will be read with interest.

PHILADELPHIA, August 22, 1813.

DEAR SIR:—Your favor of the 22d of last month, with a copy of the "Journal of Congress" at New York in October, 1765, printed in the Baltimore *Register*, came safe to hand. Not having heard of the publication, I had the proceedings of that body (not the whole) reprinted here, about a month ago, from a copy I found in the first volume of "American Tracts," (contained in four volumes, octavo,) edited by J. Almon, of London, 1767. Such an important transaction should not be unknown to the future historian. I recollect what passed in Congress in the beginning of July, 1776, respecting independence. It was not as you have conceived. On Monday, the first of July, the question was taken in the committee of the whole, when the State of Pennsylvania, represented by seven gentlemen then present, voted against it. Delaware, then having only two representatives present, was divided. *All the other States voted in favor of it*; whereupon, without delay, I sent an express at my private expense for your honored uncle, Caesar Rodney, Esq., the remaining member for Delaware, whom I met at the State House door, in his boots and spurs, as the members were assembling. After a friendly salutation, without a word on the business, we went into the hall of Congress together, and found we were among the latest. Proceedings immediately commenced, and after a few minutes the great question was called. Your honored uncle rose and said: "As I believe the voice of my constituents, and of all

fair, sensible, and honest men is in favor of independence, and as my own judgment concurs with them, I vote for independence," or words to that effect. *The State of Pennsylvania, on the fourth of July*, (there being only five members present — Messrs. Dickinson and Morris, who in the committee of the whole had voted against independence, were absent,) *voted for it, three to two* — Messrs. Willing and Humphreys in the negative. *Unanimity in the thirteen States, on so great an occasion, was thus obtained. The dissent of a single State might have produced very dangerous consequences.* Now, that I am on this subject, I will tell you some truths not generally known. In the printed public "Journal of Congress" for 1776, Vol. II., it would appear that the Declaration was signed on the fourth of July, 1776, by the members whose names are there inserted; but the fact is not so. No person signed it on that day, nor for many days after; and, among the names subscribed, one was against it, (Mr. Read,) and seven were not in Congress on that day, viz.: Messrs. Morris, Rush, Clymer, Smith, Taylor, and Ross of Pennsylvania, and Thornton of New Hampshire; nor were the six last named members at that time. The five for Pennsylvania were appointed delegates by the convention of that State on the twenty-sixth of July, and Mr. Thornton entered Congress for the first time on the fourth of November; while the names of *Henry Wisner, of New York*, and Thomas McKean, of Delaware, were not printed as subscribers, though both were present, *and voted for independence.*

The writer of the letter charges that "false colors are hung out," that there is "culpability somewhere," and concludes thus: "You may rely on the accuracy of the foregoing relation. It is full time to print and publish the secret journal of Congress during the Revolution." The following letter, also, from Thomas McKean to his Excellency, John Adams, dated January, 1814, (see Niles's "Weekly Register," Vol. XII., page 307,) in reply to a letter from Mr. Adams requesting him to write a history of the events of 1776, at once proves the confidence that Mr. Adams had in the great ability and reliability of Mr. McKean. In this letter Mr. McKean states substantially the same facts as are referred

to by Mr. Adams in his letter of the fifth of July, as given above, with the additional fact of his sending for Mr. Rodney, as follows :

Though I shall never write a history, I will give you an additional fact (*meaning his sending for Rodney*) respecting independence which may amuse, if not surprise you. On the first of July, 1776, the question was taken in committee of the whole of Congress, when Pennsylvania, represented by seven members then present, voted against it four to three. Among the majority were Robert Morris and John Dickinson. Delaware, having only two members present—namely, myself and Mr. Read—was divided. *All the other States voted in favor of it.* The report was delayed until the fourth, and in the meantime I sent an express for Cesar Rodney to Dover, in the county of Kent, in Delaware, at my private expense, whom I met at the State House door, *on the fourth of July, in his boots.* He resided eighty miles from the city, and just arrived as Congress met. The question was taken. Delaware voted in favor of independence. Pennsylvania (there being five members present—Messrs. Dickinson and Morris absent) *voted also for it (meaning, of course, last).* Messrs. Willing and Humphreys were against it. *Thus the thirteen States were unanimous in favor of independence.*

In this same letter he also charges “that false colors are certainly hung out,” “there is culpability somewhere,” etc., etc. These letters, “Monkbarns” will observe, corroborate the truth of the date of John Adams’s letter to his wife as printed in the “Pennsylvania Historical Collection,” to wit, July 5, 1776; and also that the votes on the first and second were merely votes on Lee’s resolution; and that there was not a representation from all the colonies in Congress, on either the first or the second, to insure unanimity; and that New York, contrary to the instructions of her Provincial Congress, voted on the fourth of July, A. D. 1776; and, finally, that the Declaration was unanimously adopted by the whole thirteen colonies on that day. It is hardly to be supposed that historians would, at the risk of their reputation as such, and at

a loss of years of toil, make use of matter in their respective works which had no foundation in fact. Thomas McKean, in speaking of "false colors" and "culpability," no doubt referred to numerous errors then extant concerning the vote on the Declaration.



From the Sunday Dispatch of October 1, 1871.

"FOURTH OF JULY."—What contemporaneous authority has Mr. Westcott, in his "History of Philadelphia," for the statement that Cæsar Rodney was in his place in the Continental Congress on the second of July, 1776? If Cæsar Rodney did not arrive in Philadelphia until the fourth of July, (see Thomas McKean's letter to Rodney's nephew, Brotherhead's "Book of the Signers," page 67,) what authority has he for the statement that Delaware voted for the Declaration on the second? In referring to the letters written by John Adams to his wife on the day following the Declaration of Independence, historians differ as regards the date—some giving it as the third, and others as the fifth of July. Where can the original letters be seen, or a *fac-simile* of them be had? Also, what book contains a copy of the letter written by Elbridge Gerry on the fifth of July, 1776, to General Warren? . . . It is true that Thomas McKean, in his letter to Cæsar Rodney, which was written August 22, 1813,—being more than thirty-seven years after the Declaration of Independence,—after stating that he had sent an express to Cæsar Rodney when the vote, on the first of July, upon Lee's resolution was taken, says that the latter came in the State House on the fourth of July, 1776. But this statement, although correct as to the circumstances connected with Rodney's coming from Delaware, is incorrect in the date, as is shown by other evidence. McKean himself speaks of the proceedings on the first of

July, when Delaware was divided, after which he sent to Rodney. But the vote of the latter, as is evident from the context of McKean's letter, was given upon the resolution of independence, to secure the passage of which the presence of Rodney was necessary. It has been assumed that Rodney was at some great distance in Delaware; but there is nothing to show where he was on the first of July. He might not have been in Delaware at all. Mr. Jefferson's notes — which are the nearest contemporary evidence which we have — are very clear upon the point of the position of Delaware upon the resolution of independence. Thus he says, speaking of proceedings on the first of July, 1776, upon Lee's resolution of independence, (see Randall's "Life of Jefferson," Vol. I., pages 169-170:)

South Carolina and Pennsylvania voted against it. Delaware had but two members present, *and they were divided*. The delegates from New York declared they were for it themselves, and were assured that their constituents were for it; but that their instructions having been drawn nearly a twelvemonth before, when reconciliation was still the general object, they were enjoined to do nothing which would impede that object. They therefore thought themselves not justifiable in voting on either side, and asked leave to withdraw from the question, which was given them.

The ultimate question — whether the House would agree to the resolution — was postponed to the *next* day, when it was again moved, and South Carolina concurred in voting for it. *In the meantime a member had come from the Delaware counties*, and turned the vote of that colony in favor of the resolution. Members of a different sentiment attending that morning also from Pennsylvania, her vote was changed, so that the whole twelve colonies who were authorized to vote at all gave their voices for it; and within a few days the convention of New York approved of it, and thus supplied the void occasioned by the withdrawing of her delegates from the vote.



John Adams confirms this statement, as to the vote of Delaware having been given on the second of July, in his letter to his wife, dated July 3, 1776, in which he says: "Yesterday, the greatest question was decided which ever was debated in America; and a greater never, perhaps, was, nor will be, decided among men. A resolution passed, *without one dissenting colony*, that these colonies are, and of right ought to be, free and independent States." It will be seen, therefore, that there was no dissenting colony on the second of July, which, if the vote of Delaware had been divided between Read and McKean, there would have been. Rodney's vote took Delaware out of the position of a dissenting colony. The letter of John Adams, we know, is frequently quoted with the date, "July 5, 1776." This is an error which can only be accounted for by the supposition that, in the numerous republications which have been made of it, some patriotic compositor or proof-reader who found the date July 3, and was ignorant of the great importance of the resolution passed on the second of July, and who naturally supposed that Mr. Adams must have referred to the Declaration, changed the date in order to make it—as he supposed—correct. In this blunder, we are sorry to say, the compiler of the matter contained in the collections of the Historical Society of Pennsylvania has allowed himself to be deceived. The true date is July 3, 1776. The subject-matter is the resolution passed on the second, and the letter will be found correctly printed in "The Work of John Adams, second President of the United States, with the life of the author, notes and illustrations, by his grandson, Charles Francis Adams," (Vol. III.) . . . The letter of Elbridge Gerry to James Warren, which shows that New York did not vote on the question of independence on the first, second, or fourth of July, 1776, will be found in Austin's "Life of Elbridge Gerry."

From the Sunday Dispatch of October 8, 1871.

“D. W.”—The pertinacity with which “Keystone State” adheres to the baseless tradition of John Morton’s casting vote is truly surprising. In his communication published on the twenty-fourth of September, he gives an extract from Thomas McKean to John Adams, setting forth that on the first of July Pennsylvania voted against independence, and that Delaware was divided—McKean voting for independence and Read voting against it; that he sent an express for Cæsar Rodney, who reached Philadelphia on the fourth of July; after which he adds that “the question was taken. Delaware voted in favor of independence. Pennsylvania (there being five members present) voted also for it.” And to this “Keystone State” appends, in parentheses, the words, “meaning, of course, last.” Nothing of the kind can be inferred from Mr. McKean’s letter. As the other States had always voted for independence, (except New York, which did not vote, owing to the want of instructions,) there was no call to speak of more than Pennsylvania and Delaware. It is to be presumed that they voted then as on all other occasions, beginning with New Hampshire and ending with Georgia, in which order the names of the signers are appended to the Declaration.



Extract from an article, entitled, “Causes which led to American Independence,” in the Sunday Mercury of November 12, 1871.

The next person to whom our attention is directed is John Morton, a signer from Pennsylvania. It is a well-known and established fact, that he gave the *casting vote* of the Pennsylvania delegation, on the fourth of July, in favor of independence; thereby, as Thomas McKean says, securing unanimity,—an all-important point. After the vote had been taken

in the committee of the whole, on the first of July, it was certain that Pennsylvania would, by a majority of her delegation, be against independence. It, therefore, became necessary to use means to secure her assent. One dissenting colony, and the most disastrous consequences might ensue. The fourth of July dawned; Congress assembled; all the States, except Delaware and Pennsylvania, had voted. Hancock purposely delayed calling them until he was sure of their votes. Caesar Rodney, in his boots and spurs, arrived, and, along with McKean, secured Delaware. Hancock still delayed, for there were only four of the Pennsylvania delegation present. Two of them were in favor of, and two opposed to, independence. It has been asserted that Samuel Adams used his influence to keep Morris and Dickinson away; but another vote was necessary. The absentee was John Morton. He was being importuned by his friends, who thought only of their interests, to vote against the measure. They followed him to the hall, and in the entry leading thereto, in reply to a well-meaning friend, he said: "Yes, sir, I will vote for independence; and you will live to see the day when you will acknowledge it to have been the most glorious service that I have ever rendered my country." He reiterated the same sentiment on his death-bed. He entered; Hancock saw him, and Pennsylvania was called, and he decided the promulgation of that document which has taken its place among the greatest State papers ever produced by the pen of man. John Morton was honored by several places of trust prior to his admission to Congress. Unfortunately for him, he was the first to die after the adoption of the Declaration, thereby cutting short a life which must have been more highly honored in the years following his casting vote.

Extract from an article, entitled, "Causes which led to American Independence," in the Sunday Mercury of November 19, 1871.

The fourth of July, 1776, dawned — the day upon which the *Magna Charta* of Freedom was to be tried for its life. It was pregnant with unknown events; the happiness and prosperity of the members themselves, and of their posterity, depended upon their determination, their hearty approval, and unanimity. It was a grand document, and destined to work out a greater result in the advancement of the human race, than any political protocol which had ever preceded it. Its language was plain and unequivocal; there was no sophistry in its reasoning, no hidden or unmistakable meaning in its phrases. It was a plain and frank relation of their wrongs, and a determined people were willing to be the executives in carrying its principles to a full and glorious fruition. They were equal to the emergency. They had been reared in the lap of toil and hardy adventure, and felt that trying and bloody scenes would ensue. The ire of an insulted kingdom, against which rebellion in its broadest acceptation was to be instigated, must be appeased or successfully resisted. Either the hitherto considered invincibility of England's military prowess was to be rent asunder, or his majesty's unruly subjects in America reduced to a condition worse than slavery, and their leaders hung for treason. Tyranny and despotism must either receive decisive checks, or freedom be riveted in eternal chains.

There were present in Congress, on the fourth of July, forty-nine members. Rodney had arrived from Dover, Del.; and Thomas McKean, in the letter referred to above, says: "I sent an express for your honored uncle, Caesar Rodney, Esq., the remaining member from Delaware, whom I met at the State House door, in his boots and spurs, as the members were assembling. After a friendly salutation, without a word on the business, we went into the hall of Congress

together, and found we were among the latest. Proceedings immediately commenced, and after a few minutes the great question was called. Your honored uncle rose and said: 'As I believe the voice of my constituents, and of all fair, sensible, and honest men, is in favor of independence, and as my own judgment concurs with them, I vote for independence,' or words to that effect."

There were only five members occupying their seats from Pennsylvania on the fourth of July, (Dickinson and Morris being absent.) She, therefore, voted for it — Messrs. Humphreys and Willing in the negative, and Messrs. Franklin, Wilson, and Morton in the affirmative. With regard hereto, there seems to be a great difference of opinion. By almost every historian, and by *every biographer* of the signers of the Declaration of Independence, to Mr. Morton has been assigned the honor of giving the casting vote of the Pennsylvania delegation on that great question; while, on the other hand, divers newspaper writers contradict the same, striving thereby to throw a doubt upon the veracity of the historians. As far as the researches for the preparation of these articles are concerned, the reader will reap the benefit, and be allowed to judge for himself.

In Sanderson's "Biography of the Signers," published in 1823, (Vol. VI., page 209,) a contribution of Robert Waln, Jr., revised and verified by the author, will be found the following of Judge John Morton: "But the point on which his claims to the grateful recollection of posterity principally depends, is involved in the act of granting his support and affixing his signature to the Declaration of Independence," and that, "in deliberating on the momentous subject of independence, Mr. Morton found himself called upon to act with firmness and decision on a most trying and responsible occasion. It is a fashionable thing at the present day, and one which constitutes a large proportion of the pseudo patriot's claims to distinction, to rail without mercy or discrimination

against all those who at any time — either before or after its adoption — have dared to breathe a suggestion against the Declaration of Independence. In this sweeping condemnation, there is no distinction made between those who opposed the principles of the measure, and those who doubted its expediency at the particular moment of its adoption.

“Now, a respectable portion of the most earnest and unshaken advocates of the cause — men who never were and never could be doubted as pure and irreproachable patriots — were averse to sealing the separation of the two countries without a further and more serious consideration of a subject so pregnant with fearful and unknown events. No wonder, then, that Mr. Morton experienced the most intense anxiety of mind when he was called upon to give the casting vote of the Pennsylvania delegation, — a vote which would either confirm or destroy the unanimity of the Declaration of Independence, — a vote involving the important decision whether the great State of Pennsylvania should or should not be included in the league which bound her sister colonies together. On the fourth of July, 1776, when the question was about to be decided, interest was excited with regard to the States of Delaware and Pennsylvania, which had previously voted in opposition to independence. The opportune arrival of Mr. Rodney secured the voice of Delaware, and the absence of two adverse members of the Pennsylvania delegation reduced it in number to five — these were Wilson, Franklin, Humphreys, Willing, and Morton. Messrs. Wilson and Franklin were decidedly in favor of, and Messrs. Humphreys and Willing opposed to, the measure. Everything rested on the determination of Mr. Morton; the interests of one of the largest States on the continent were at stake; its secession from the common cause might have been productive of the most pernicious consequences; and the honor of the country and of the cause demanded cordiality and unanimity. He enrolled his vote in favor of independence; but

the mental anxiety which he experienced in so novel and solemn a situation, and the great responsibility which he had incurred, in case the measure should be attended with disastrous results, preyed upon his peace, and is confidently said to have accelerated, if it did not cause his dissolution."

Lossing, in his "Lives of the Signers," published in 1848, page 113, says:

The delegation from Pennsylvania then present were equally divided in opinion upon the subject of independence, and Mr. Morton was called on officially to give a casting vote for that State. This was a solemn responsibility: it was for him to decide whether there should be a unanimous vote of the colonies for independence.

Appleton's "New American Encyclopædia," Vol. II., page 759, says:

John Morton signalized himself by giving the casting vote of Pennsylvania in favor of independence.

William Allen, D. D., in his "American Biographical Dictionary," published in 1809, revised and corrected in 1829, page 596, says:

He (John Morton), in 1776, voted in favor of the Declaration of Independence. Had he voted on the other side, the voice of Pennsylvania would have been against the Declaration, as the other delegates were equally divided on the subject.

The testimony in attestation of the above is voluminous, and would worry out the patience of any reader who is not particularly blessed with an overstock of Job's great virtue. Step by step, as we proceed, it is our intention to sift everything, give it its true coloring, and enable the reader to form his own ideas as to which is and which is not the true history of the "promulgation of the glorious diploma of American freedom."

Extract from an article, entitled, "Causes which led to American Independence," in the Sunday Mercury of November 26, 1871.

It has been stated that all the history of the casting vote was devised or originated from a *lie on a tombstone*,—meaning, of course, the inscription on John Morton's tomb. The absurdity, and, it might be added, the utter falsity of this assertion is plainly discernible when it is remembered that Sanderson's "Biography" was published in 1823, and the monument was not erected until 1845—twenty-two years afterwards.

In preparing these articles, it was the intention of the writer to enlighten the public mind upon important transactions concerning the Declaration as nearly as possible, and give the facts as they really occurred, no matter whom or what they might affect.

In searching after matter, much has been found stowed away on the dusty shelves of our libraries that was considered important, and which will have a tendency to bring out of obscurity the true history of the Declaration of Independence. It is impossible to state upon what grounds the descendants of Morton based the truth of the epitaph engraved upon this monument. It may have been a family tradition handed down from father to son, and probably exaggerated with each succeeding generation—the proofs of which may have long since been destroyed. Be that as it may, in an old work by Paul Allen, Esq., entitled the "History of the American Revolution," published in 1819, Vol. I., pp. 344, 345, (Mercantile Library, 26 A, No. 3,) the following was found, and it proves that the Morton family had good historical authority for placing the epitaph on the tomb of their honored ancestor. If they did not derive their knowledge from Paul Allen's history, so much the better, for then the one corroborates the other. The following is the extract:

On the day agreed upon for the consideration of Mr. Lee's motion, the first of July, Congress resolved itself into a committee



of the whole. The debate continued for *three days* with great warmth. It had been determined to take the vote by colonies, and as a master-stroke of policy—the author of which is not known to history—it had been proposed and agreed that the decision on the question, whatever might be the real state of the votes, should appear to the world as the unanimous act of Congress. On the first question, SIX of the colonies were in the affirmative and SIX in the negative. Pennsylvania being without a vote, by a division of her delegates. What an awful moment was this for the sanguine friends of freedom! In this state of the business, it is said, on authority of evidence afterwards adduced before the British Parliament, that one of the delegation was brought over to the side of independence.

Sanderson, Lossing, Appleton, Blake, and Wm. Allen, D. D., are more explicit in their description; and we are led to believe that the “one of the delegation” referred to by Paul Allen was John Morton.

If a proper view of this matter is taken, there can be no inconsistency about the statement. If the reader is unprejudiced, and on the production of proof will be convinced, he or she must certainly conclude that when five persons vote, (the number of the Pennsylvania delegation in Congress on July 4th, 1776,) some one of them must have voted last; and if two voted one way, or in the affirmative, and two another, or in the negative, the one who had yet to vote had the deciding of the question either one way or the other. If he voted in the negative, it would be so decided, and *vice versa*.

It may be that no particular honor was awarded John Morton at the time, for voting for that which he was known to favor. But, dear reader, remember, with Sanderson and Lossing, and numerous other writers, That it was a vote which would confirm or destroy the unanimity of the Declaration of Independence; that it was a fearful and solemn responsibility; that, in the event of ill-success, it would be indirectly traceable to him, and you can imagine his feelings,

and not wonder that the dark days which followed its passage on the fourth of July hastened his dissolution.

It has been contended that no particular honor should be ascribed to John Morton for voting for independence on the fourth of July, when he had already voted for it on the first. This is an exceedingly small view of the matter — a reflection on the actions of statesmen in a broad sense. No man who desires to send down to posterity a character unsullied, would legislate, in times like those, to benefit the few, in direct opposition to the wishes of the many. On the first of July, John Morton merely represented his constituents. He had favored independence when he thought it could be successfully accomplished. His constituents knew this, and he was returned to the body who were to deliberate on this important measure. Like many other great men, he thought the time had come, and when, on the first of July, the measure was proposed, in the presence of the *whole* Pennsylvania delegation he voted in its favor, and was among the minority. On the fourth of July, the circumstances were widely different: the whole Pennsylvania delegation were not there, or, if they were, they did not occupy their seats. Morris and Dickinson were the absentees. Hence the Pennsylvania delegation consisted of but five men, two of whom — viz.: Messrs. Willing and Humphreys — were known not to favor the Declaration. When the name of John Morton was called, he rose to record his vote. What tongue can describe his feelings? His vote was the last vote of that grand body. Every State had recorded its vote for independence, with the exception of Pennsylvania. All her delegation had voted except him. Two to two the record stood — a tie vote. It was for him to decide. He felt that the delegation as a whole were opposed to independence; the admonitions of his friends had made an impression on him; he knew that on him solely and alone depended unanimity in the all-important measure. Truly, the key-stone wavered above its position. In direct opposition to the known wishes

of a majority of his delegation, he voted "yes," and at that moment the compact was sealed—the Federal arch, which has since withstood the shock of both foreign and civil war, was complete. All honor to the memory of John Morton!

It has been contended, and is laid down in standard histories, that the New York delegation did not vote on the fourth of July, 1776.

While it is true that they were instructed by the Provincial Congress of the State of New York to withhold their mere acquiescence for awhile, yet, so far as their action on the fourth of July was concerned, they all voted excepting Alsop.

The following extract is from a letter to Mr. Dallas, of Pennsylvania, from Thomas McKean, and bears date September 26, 1796:

Modesty should not rob any man of his just honor, when, by that honor, his modesty cannot be offended. My name is not in the printed journals of Congress as a party to the Declaration of Independence, and this, like an error in the first concoction, has vitiated most of the subsequent publications; and yet the fact is, that I was then a member of Congress for the State of Delaware, was personally present in Congress, and voted in favor of independence on the fourth of July, 1776, and signed the Declaration after it had been engrossed on parchment, where my name, in my own handwriting, still appears. Henry Wisner, of the State of New York, was also in Congress, and *voted in favor of independence.*

This allusion is made to Henry Wisner because he was a member of Congress when they expressed their approbation of the Declaration of Independence, and voted in favor of it. But before the engrossed copy was signed by the several members, he had left Congress, and thus failed of affixing his name to that memorable instrument.

The New York signers were William Floyd, Philip Livingston, Francis Lewis, and Lewis Morris; and at pages 184, 190, 195, and 201 of Goodrich's "American Biography," it will be found that each of the above voted for the Declaration of Independence on the fourth of July.

Extract from an article, entitled, "Causes which led to American Independence," in the Sunday Mercury of December 3, 1871.

The following extract from Goodrich's "American Biography," page 201, is further proof that the New York delegation voted on the fourth of July, 1776, for the Declaration of Independence, and also a corroboration of the statements heretofore made. After enumerating the numerous public services of Lewis Morris, a member of the New York delegation to the Continental Congress, Goodrich says:

"But, notwithstanding this prevalent aversion to a separation from Great Britain, there were many in the colony who believed that a declaration of independence was not only a point of political expediency, but a matter of paramount duty. Of this latter class, Mr. Morris was one; and, in giving his vote for that Declaration, he exhibited a patriotism and disinterestedness which few had it in their power to display. He was at this time in possession of an extensive domain within a few miles of the city of New York. A British army had already landed from their ships, which lay within cannon-shot of the dwelling of his family. A signature to the Declaration of Independence would insure the devastation of the former and the destruction of the latter. But upon the ruin of his individual property he could look with comparative indifference, while he knew that his honor was untarnished, and the interests of his country were safe. *He voted, therefore, for a separation from the mother country,* in the spirit of a man of honor and of enlarged benevolence. It happened as was anticipated. The hostile army soon spread desolation over the beautiful and fertile manor of Morrisiana. His tract of woodland of more than a thousand acres in extent, and, from its proximity to the city, of incalculable value, was destroyed; his house was greatly injured, his fences ruined, his stock driven away, and his family obliged to live in a state of exile. Few men

during the Revolution were called to make greater sacrifices than Mr. Morris; none made them more cheerfully. It made some amends for his losses and sacrifices that the colony of New York, which had been backward in agreeing to a declaration of independence, unanimously concurred in that measure by her convention, when it was learned that Congress had taken that step."

Also, in reference to the same gentleman, the following corroborations of the above will be found in Sanderson's "Biography of the Signers of the Declaration," Vol. IX., page 145 — the life of Morris in said volume being the contribution of the Hon. Edward Ingersoll:

"Although the colony of New York had been backward in agreeing to the proposed attempt to establish a government independent of the mother country, yet, finding such a step had been taken with the concurrence of nearly all the other colonies, the people of this one immediately pronounced their acquiescence and pledged their support. The convention at White Plains resolved unanimously, on the ninth of July, that the reasons assigned by the Continental Congress for declaring the united colonies independent States were cogent and conclusive; and that, while they lamented the cruel necessity which rendered that measure unavoidable, they approved of the same, and would at the risk of their lives and fortunes join with the other colonies in supporting it. The delegates from that colony to the Continental Congress, who had ventured, in anticipation of this sanction, *to vote for the Declaration*, (on the fourth of July, 1776,) had thus the gratification to learn that their conduct was not disapproved at home."

And further: The mistake about signing the Declaration arises from confounding the original manuscript with the engrossed copy. It has been stated that the original manuscript was signed only by John Hancock and one Thompson,

Secretary; whereas, if we can believe Conrad in his revised edition, (see extract above given, and Smucker in his "Life of Jefferson,") the original was signed on the fourth of July. The following is from Smucker's "Life of Jefferson," page 69:

"The Declaration, as amended in the committee of the whole, was reported to the House on the fourth. It was unanimously adopted and signed by every member present except Dickinson, of Pennsylvania. On the twentieth of July, Pennsylvania revised her list of delegates, and left Dickinson out. The Declaration was ordered to be engrossed on the nineteenth. On the second of August it was produced, and compared with the original, and signed again by those whose names were appended to the manuscript copy in addition to the new members."

If Smucker is correct, Henry Wisner, of New York, must have signed the original Declaration.



Extract from an article, entitled, "Causes which led to American Independence," in the Sunday Mercury of January 7, 1872.

Every member who signed the Declaration of Independence on the second of August, solemnly certified to the world that it was the unanimous Declaration of the thirteen colonies in Congress assembled July 4, 1776. That they so meant to be understood is clearly shown by the several letters of Thomas McKean (himself a signer) on the subject heretofore referred to, wherein he entirely ignores Lee's resolution, which was adopted on the second of July. He explained in these several letters what was done in the committee of the whole on the first of July, viz., that every colony voted in said committee except Delaware and Pennsylvania for independence; and, that unanimity might be obtained, the further consideration of the Declaration was postponed until the second, the next day; and that the committee, by

request of their chairman, had leave to sit again; and that on the second the committee were unable to report for the same reason. The question was in a similar manner postponed until the third, and on the third postponed until the fourth, when the said committee formally reported the Declaration to Congress, and in that body the final vote was taken, and it received the sanction of every colony by a majority of the delegates then present.

“By this delay,” says McKean, “unanimity in the adoption of the Declaration was obtained,” which he characterizes as an all-important point; and further uses that language which every biographer of the signers of the Declaration of Independence in sketching the life of John Morton uses, viz., “The dissension of a single colony might have been fraught with the most serious consequences.” The “Journal of Congress” itself shows there was no vote on the Declaration until the fourth of July, 1776, when it was unanimously adopted: and we have no evidence of how the colonies stood on the first of July in committee of the whole, except that furnished by Thos. McKean in his subsequent writings. The “Journal of Congress” and McKean’s writings harmonize perfectly.

If New York did not vote on the fourth of July, she occupies the unenviable position of not having voted at all, as that was the day upon which the last and final vote was taken on the measure. The action of the New York Congress at White Plains was not received until July 15th by the Continental Congress, which time, it is contended, was the date upon which it became the unanimous act of the thirteen States. If this be a fact, the wise and sagacious statesmen who ordered the Declaration to be engrossed on parchment as the “unanimous Declaration of the thirteen United States of America, July 4th, 1776,” as per resolution of the nineteenth of July, *loaned their names to a lie*, and corroborated it as such when they signed it on the second of August following.

From the Sunday Mercury of January 14, 1872.

### LET THE FACTS SPEAK.

MESSRS. EDITORS.—Having read with interest the series of articles, entitled, “The Causes which led to American Independence,” recently published in the Philadelphia *Sunday Mercury*, (being familiar with the subject discussed, and desiring to see things righted,) I shall, with your kind permission, correct an error which the author has fallen into, as have several would-be historians in their contributions to the *Sunday Dispatch*. I allude to the two letters written by John Adams to his wife in July, 1776, relative to the Declaration of Independence.

While the American people, as a mass, correctly believe that the Declaration was unanimously adopted on the fourth of July, and that delegates from the whole thirteen colonies on that day voted on the measure, there are a few superannuated fossils who persistently contend that the *second* of July was the Birthday of Freedom—confounding Lee’s resolution with the Declaration; and, in order to support their pet theory, date *both* letters *July 3d*, and flourish them aloft as indisputable evidence of what they assert. The blunder is traced back to Col. Peter Force, who, when compiling “American Archives,” mistook the figure 5 for a 3, from which it would appear that Adams on the same day — July 3d — wrote *two* lengthy epistles to his wife, the contents of which being wholly inconsistent. Such, however, is not the case. The following brief explanation will convince the most obstinate adherents to the “mythical 2d” that they are in the wrong. “The Journal of Congress of July, 1776,” published in 1778 by John Dunlap, by order of the committee appointed to superintend the publication of said Journal, by resolution of Congress of May 2, 1778, (Vol. II., p. 238,) says:

Monday, July 1, 1776. — The order of the day being read, *Resolved*, That this Congress will resolve itself into a committee



of the whole, to take into consideration the resolution respecting independence, and that the Declaration be referred to said committee. The Congress resolved itself into a committee of the whole. After some time the President resumed the chair, and Mr. Harrison reported that the committee had come to a resolution, which they desired him to report, and to move for leave to SIT AGAIN. The resolution agreed to by the committee of the whole being read, the determination whereof was, at the request of a colony, *postponed until to-morrow*.

So much for the first of July. Now let us see what was done on the second. Same volume, p. 239 :

July 2, 1776.—The Congress resumed the consideration of the resolution reported from the committee of the whole, which was agreed to, as follows: *Resolved*, That these united colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and all political connection between them and the State of Great Britain is, and ought to be, totally dissolved. Agreeably to the order of the day, the Congress resolved itself into a committee of the whole; and after some time the President resumed the chair, and Mr. Harrison reported that the committee have had under consideration the Declaration to them referred, but, not having had time to go through the same, desired him to move for leave to sit again. *Resolved*, That this Congress will to-morrow again resolve itself into a committee of the whole, to take into their further consideration the Declaration respecting independence.

The reader will perceive, by the concluding sentence of the above extract from the official journal of Congress, that the subject of independence was still being debated, and that the Declaration was postponed until the next day. The *resolution*, "That these united colonies are, and of right ought to be," etc., was either a "feeler" to obtain the sense of the house, or it was adopted to gratify the popular desire for earnest work. Be that as it may, the time had not yet arrived for final action; and although a majority of the votes in favor of independence could be relied upon,

yet all recognized the vital importance of unanimity, and resolved to obtain it, if possible. The Declaration was therefore deferred until the third of July. What was done in the Continental Congress on the second of July is described in a casual manner by John Adams in a letter written to his wife on the following day. The said letter is very long,—consuming about four pages of foolscap,—and is merely a reply to one received from Mrs. Adams, who was then at Plymouth. The contents are of a purely private character, such as a man would naturally write to his wife, from whom he had long been separated. The only part touching on public matters is that portion which alludes to Lee's resolution. The entire letter is published in "American Archives," Vol. VI., p. 1231. The annexed extracts are considered sufficient to satisfy the reader's mind that the Declaration was not considered by Adams as passed on the second.

PHILADELPHIA, July 3, 1776.

Your favor of June 17th, dated at Plymouth, was handed me by yesterday's post. I was much pleased to find you had taken a journey to Plymouth. . . . Yesterday, a RESOLUTION was passed, without one dissenting colony! that these United Colonies "are, and of right ought to be, free and independent States." "*You will see, in a few days, a DECLARATION setting forth the causes which have impelled us to this mighty revolution, and the reasons which will justify it in the sight of God and man,*" etc.

We will now resume our perusal of the "Journal of Congress of 1776," in which, at page 240, is recorded the following:

July 3, 1776.—Agreeably to the order of the day, the Congress resolved itself into a committee of the whole, to take into *further consideration the Declaration*; and after some time the President resumed the chair, and Mr. Harrison reported that the committee, *not having yet got through it*, desired leave to sit again. *Resolved,*

That this committee will to-morrow again resolve itself into a committee of the whole, to take into further consideration the Declaration of Independence.

Page 241.— July 4, 1776.— Agreeably to the order of the day, the Congress resolved itself into a committee of the whole, to take into further consideration the Declaration; and after some time the President resumed the chair, and William Harrison reported that the committee have agreed to a Declaration, which they desired him to report. The Declaration being read, was agreed to by the colonies.

It was late in the afternoon when the final vote was taken; all the colonies were represented, and sanctioned the act. Rodney had arrived from Delaware, whose delegation was, in consequence, enabled to vote in the affirmative. Morris and Dickinson being absent, the Pennsylvania delegation was reduced to five members. Being the last colony called upon to vote, much anxiety was displayed by the delegates of the other colonies, lest unanimity, so essential to success, should be lost by an unfavorable response. But notwithstanding that the delegation was equally divided, and that Pennsylvania, by her vote on the first of July, discounted the measure, John Morton, a member of that body, gave the casting vote in favor of independence, and thus unanimity was secured.

The next day, July the 5th, John Adams, nearly wild with joy, wrote a letter to his wife, giving an account of the passage of the Declaration, (which letter, in "American Archives," is absurdly dated the 3d.) The following is copied from the "Pennsylvania Historical Collection :"

PHILADELPHIA, July 5, 1776.

The day is past. The fourth day of July, 1776, will be a memorable epoch in the history of America. I am apt to believe that it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp, shows, games, sports, guns,

bells, bonfires, and illuminations, from one end of the continent to the other, from this time forward forever. You will think me transported with enthusiasm; but I am not. I am well aware of the toil and blood and treasure that it will cost us to maintain this *Declaration*, and support and defend these States. Yet, through all the gloom, I can see the rays of light and glory; I can see that the end is more than worth all the means, and that posterity will triumph, although you and I may rue, which I hope we shall not.

. . . . The delay of this Declaration to this time has many great advantages attending it. The hopes of reconciliation which were fondly entertained by multitudes of honest and well meaning, though weak and mistaken people, have been gradually, and at last totally, extinguished. Time has been given for the whole people maturely to consider the great question of independence, and to ripen their judgment, dissipate their fears, and assure their hopes, by discussing it in the newspapers and pamphlets, by debating it in assemblies, conventions, committees of safety and inspection, in town and county meetings, as well as in private conversation, *so that the whole people in EVERY COLONY OF THE THIRTEEN have now adopted it as their own act.*

Just one year after writing the above, Mr. Adams, in a letter to his daughter, thus describes the celebration of the first anniversary of American independence, which proves that the foregoing letter was written on the fifth of July, 1776. (Correspondence of Miss Adams, Vol. II., page 8.)

PHILADELPHIA, July 5, 1777.

MY DEAR DAUGHTER:—*Yesterday, being the anniversary of American independence*, was celebrated here with a festivity and ceremony becoming the occasion. I am too old to delight in pretty descriptions, if I had a talent for them, otherwise a picture might be drawn which would please the fancy of a Whig, at least. The thought of taking any notice of this day was not conceived until the second of this month, *and it was not mentioned until the third.* It was too late to have a sermon, as every one wished, so this must be deferred another year.

Congress determined to adjourn over that day, and to dine

together. The general officers and others in town were invited, after the President and Council, and Board of War of this State. In the morning, the Delaware frigate, several large galleys, and other Continental armed vessels, the Pennsylvania ship, and row-galleys and guard-boats, were all hauled off in the river, and several of them beautifully dressed in the colors of all nations, displayed about upon the masts, yards, and rigging. At one o'clock, the ships were all manned; that is, the men were all ordered aloft, and arranged upon the top-yards and shrouds, making a striking appearance — of companies of men drawn up in order in the air.

Then I went on board the Delaware, with the President and several gentlemen of the Marine Committee; soon after which we were saluted with a discharge of thirteen guns, which was followed by thirteen others from each other armed vessel in the river; then the galleys followed the fire, and after them the guard-boats. Then the President and company returned in the barge to the shore, and were saluted with three cheers from every ship, galley, and boat in the river. The warves and shores were lined with a vast concourse of people, all shouting and huzzaing in a manner which gave great joy to every friend of this country, and the utmost terror and dismay to every lurking Tory.

At three, we went to dinner, and were very agreeably entertained with excellent company, good cheer, fine music from the band of Hessians taken at Trenton, and continual volleys between every toast, from a company of soldiers drawn up in Second Street, before the city tavern, where we dined. The toasts were in honor of our country and the heroes who had fallen in their pious efforts to defend her. After this, two troops of light-horse, raised in Maryland, accidentally here on their way to camp, were paraded through Second Street; after them a train of artillery, and then about a thousand infantry, now in this city, on their march to camp, from North Carolina. All these marched into the common, where they went through their firings and manœuvres; but I did not follow them. In the evening, I was walking about the streets for a little fresh air and exercise, and was surprised to find the whole city lighting up their candles at the windows. I walked most of the evening, and I think it was the most splendid illumination I ever saw; a few surly houses were dark, but the lights

were very universal. Considering the lateness of the design, and the suddenness of the execution, I was amazed at the universal joy and alacrity that was discovered, and at the brilliancy and splendor of every part of this joyful exhibition. I had forgot the ringing of bells all day and evening, and the bonfires in the streets, and the fireworks played off. Had General Howe been here in disguise, or his master, this show would have given them the heartache.

I am your affectionate father,

JOHN ADAMS.

It will be observed, on reading the above letter, that Adams considered the fourth of July, 1776, *the* day of deliverance from British rule. Did he not wholly ignore the second when he said, "It [the celebration] was not mentioned until the *third*"?

"Congress" — the very actors themselves — determined to adjourn over that day, THE FOURTH OF JULY, to observe it in a becoming manner.

Thirteen guns were fired from each vessel in the port, in honor of the UNANIMOUS VOTE OF THE THIRTEEN COLONIES IN THE CONTINENTAL CONGRESS ON THAT DAY ONE YEAR PREVIOUSLY.

The author of "The Causes which led to American Independence" has written a creditable history of the Declaration of Independence. He is correct in the main, but errs in the statement that the "Adams's letters" were written on the same day, July, 1776. The one was written on the third, and the other, as per "Pennsylvania Historical Collection," on the fifth of July, 1776. FEDERAL ARCH.



From the Sunday Mercury of February 23, 1872.

#### AN OPINION.

MY DEAR SIR: — There appeared in the columns of the Philadelphia *Sunday Mercury* of January 14th ultimo an

article, entitled, "Let the Facts Speak," bearing the signature "Federal Arch," in which it was shown that John Adams regarded the fourth day of July, 1776, as the birthday of American independence, and not the second of July, as asserted by the *Public Ledger* in its fourth of July leader of 1870, and, latterly, by Mr. Thompson Westcott in his serial history of Philadelphia, published in the *Sunday Dispatch* of August 20th, 1871. That "Federal Arch" was correct, and that his arguments were unanswerable, I was inclined to believe as soon as I had finished reading them; but regarding the *Ledger* and *Dispatch* as good authorities upon matters relating to the early history of our nation, and not wishing to lose faith in those journals, I resolved to investigate the subject to my own satisfaction.

On mentioning my intentions to a friend, I was delighted to find that he also had conceived the same idea; so, having a few hours at our disposal, we at once started for the Mercantile Library. Arrived at that noble institution, we glanced at the catalogue, and were soon after engaged in our self-imposed task of overhauling those ponderous volumes known as Colonel Peter Force's compilation of "American Archives;" and a dusty job it proved. Well, at length we found the proper volume, to wit, Vol. VI., and, turning to page 1231, feasted our eyes on the two letters from John Adams to his wife, in one of which he alludes to the adoption of Lee's resolution of the second, and in the other describes the passage of the Declaration of Independence on the fourth of July, 1776. Although both letters are dated July 3d, it is evident, from the contents of the second, that it was not written until the 5th, and that Colonel Force mistook the latter figure for a three. The "American Archives" being the first work of the kind published in this country, a few careless writers have copied the dates just as they found them, without reading the letters or considering the improbability of both having been written on the same day. We

also consulted the "Life of John Adams," by his grandson, Hon. Charles Francis Adams, and discovered that he too had fallen into the same error. I could now understand why the *Public Ledger* and *Sunday Dispatch* had blundered. My friend suggested that we might set the thing right by sending a copy of the *Sunday Mercury* containing the article by "Federal Arch" to Mr. Charles Francis Adams, together with a letter asking his views upon the same; but on my reminding him that that gentleman was then in Europe in connection with the "Alabama" affair, he agreed to write the Hon. John Quincy Adams, pointing out the discrepancy in the date of the second "Adams's Letter" as published in "American Archives" and in his father's "Life of John Adams" respectively; also requesting his opinion as to the authenticity of the accompanying paper as regarded dates, etc., etc., which my friend accordingly did, and received the following letter in reply, with permission to publish it:

QUINCY, MASS., February 12, 1872.

DEAR SIR: — Since receiving the *Sunday Mercury*, I have turned to the "Life of John Adams," by Charles Francis Adams, and to the "Letters of Mrs. John Adams," edited by Charles F. Adams, and I find all the dates, facts, and circumstances are detailed with perfect accuracy and fulness in regard to the resolution and Declaration of Independence.

Yours, very respectfully,

J. Q. ADAMS.

After perusing the above letter, and with all the facts which are given by history, and more particularly by both Adams and McKean, together with the Declaration itself, commencing with the comprehensive words, "In Congress, July 4th, 1776, the unanimous declaration of the Thirteen United States of America," who can deny that the Declaration of Independence was unanimously passed on the fourth of July, 1776? I, for one, shall continue to celebrate the glorious "Fourth" as such in the same spirit as our fore-



fathers did the first anniversary, as is so graphically described by John Adams in his letter to his daughter of July 5, 1777.

CENTENNIAL.



From the Sunday Dispatch of September 29, 1872.

“KEYSTONE STATE.”—A communication addressed to the *Sunday Dispatch*, inquiring as to the truth of the common political cry, “*As Pennsylvania goes, so goes the Union,*” not being, in the opinion of the writer, satisfactorily answered, he takes the liberty of giving in detail not only his views, but a complete account, extracted from the different histories on the subject. For the first term, commencing March 4, 1789, Washington received ten votes, John Adams eight, and Hancock two of the *electoral vote of Pennsylvania*. Washington was elected. For the second term, commencing 1793, Washington received fifteen votes, John Adams fourteen, and Clinton one of said electoral vote. Washington was re-elected. For the third term, commencing 1797, John Adams received one vote, Jefferson fourteen, Pinckney two, and Burr thirteen of said electoral vote. John Adams was elected. For the fourth term, commencing 1801, Jefferson received eight votes, Burr eight, John Adams seven, and Pinckney seven of said electoral vote. And herein the *Dispatch* erred, as the *electoral vote of Pennsylvania* in 1800 was not equally divided between Jefferson and Burr, as stated, but Adams and Pinckney also shared the honor of that division, receiving seven votes each. As neither candidate at the presidential election in November, 1800, had a majority of the *electoral votes of the whole number of States*, it was referred, as required by the Constitution, to the House of Representatives, where, on a vote being taken, (each State having but one vote,) Jefferson received the votes of eight States and Burr of six States, while two States were divided. After the thirty-sixth ballot,

however, the two divided States gave their votes to Jefferson, who was thereby elected. The original article of the Constitution relating to the manner of electing Presidents—to wit: the candidate receiving the highest number of votes being declared President, and the candidate receiving the next highest being declared elected Vice-President, and its consequent reference to the House of Representatives on the failure of any one candidate to receive a majority of all the votes in the electoral college—being defective, inasmuch as a small body of men could prevent its intention, the twelfth amendment to the Constitution was proposed at the first session of the eighth Congress, and received the sanction of the required number of State Legislatures in 1804, prior to the presidential election in that year. *From the fifth term, 1805, to the ninth term, 1821, both inclusive, Pennsylvania cast her electoral vote for Jefferson (two terms), Madison (two terms), and Monroe (two terms), who were the successful candidates.* For the tenth term, in 1824, there were four candidates, namely, Jackson, John Quincy Adams, Clay, and Crawford, who received of the electoral votes of all the States 99, 84, 37, and 41 respectively. Pennsylvania giving her solid electoral vote to Andrew Jackson, who secured the highest vote; but as neither of the candidates received a majority, the election, in accordance with the Constitution, devolved upon the House of Representatives, who were restricted to the three highest on the list, viz., Jackson, Adams, and Crawford. John Quincy Adams was elected. Horace Greeley, in his “Biography of Henry Clay,” expresses the opinion that the votes of the States were kept from Clay by the chicanery of General Jackson’s partisans, by keeping his name out of the House of Representatives, as it was the most popular that could have been brought before that body. Historians, however, generally agree upon conceding to General Jackson the greatest popularity with the people. At that time Mr. Clay was Speaker of the lower House, and held the balance

of power. Long before, it was predicted that his influence would be given to John Quincy Adams, because Clay deprecated the occupancy of the presidential chair by a military man. After the election of John Quincy Adams in the House, Clay was appointed Secretary of State, and his enemies contended that this office was in payment for the sale of General Jackson. *From the eleventh term, 1829, to the present time, Pennsylvania's electoral vote has been cast for the successful presidential candidate.* Since the adoption of the twelfth amendment to the Constitution in 1804, whenever the election depended upon the "electoral college," without an appeal to the House of Representatives, *Pennsylvania has, without a single exception, cast her electoral vote for the successful presidential candidate.* With regard to the election in 1824, whereby the Clay coalition succeeded in electing John Quincy Adams, Pennsylvania's choice — General Jackson — was the choice of the nation, and really received a large majority of the popular vote. By consulting the *Congressional Globe*, and the comments of historians on the subject, and taking into consideration the subsequent action of the people, namely, the almost unanimous election of General Jackson for the two successive terms from 1829 to 1837, we must inevitably conclude that the Clay coalition in the House was a softer term for "the ways that are dark and the tricks that are vain." The reader will therefore not go astray, if, in the violence of party feeling, and with a pardonable pride for the old "Keystone State," he exclaims: "AS PENNSYLVANIA GOES, SO GOES THE UNION." In 1828, notwithstanding the most monstrous accusations from his political opponents, Jackson received one hundred and seventy-eight electoral votes, whilst John Quincy Adams received but eighty-three. In the ensuing election in 1832, after a four years' trial, his majority was even larger, receiving two hundred and nineteen electoral votes, whilst Clay received forty-nine, Wirt seven, and Floyd eleven. *These figures are*

*characteristic of the American people — they tell of their condemnation of conspiracies to defeat the popular will.*



THE MEMBERS of the Continental Congress were not elected directly by the people, but by the Legislatures of the several colonies.

Pennsylvania, on the ninth of November, 1775, by her Legislature, issued the following instructions to her Congressional delegation :

GENTLEMEN:— The trust reposed in you is of such a nature, and the modes of executing it may be so diversified, in the course of your deliberations, that it is scarcely possible to give you particular instructions respecting it. We therefore, in general, direct that you — or any four of you — meet, in Congress, the delegates of the several colonies now assembled in this city, and any such delegates as may meet in Congress next year; that you consult together on the present critical and alarming state of public affairs; that you exert your utmost endeavors to agree upon and to recommend such measures as you shall judge will afford the best prospect of obtaining redress of American grievances, and of restoring that universal harmony between Great Britain and the colonies so essential to the welfare and happiness of both countries.

Though the oppressive measures of the British Parliament and Administration have compelled us to resist their violence by force of arms, yet we strictly enjoin you that you — in behalf of this colony — dissent from and utterly reject any propositions, should such be made, that may cause or lead to a separation from our mother country, or to a change of the form of this Government.

You are directed to make a report of your proceedings to this House.

Signed by order of the House.

JOHN MORTON, Speaker.

And on the fourteenth of June, 1776, she again instructed her Congressional delegation as follows :

GENTLEMEN:—When, by our instructions of last November, we strictly enjoined you, in behalf of this colony, to differ from and utterly reject any proposition, should such be made, that might cause or lead to a separation from Great Britain, or to a change of the form of this Government, our restrictions did not arise from any diffidence of your ability, prudence, or integrity; but from an earnest desire to serve the good people of Pennsylvania with fidelity in times so full of alarming dangers and perplexing difficulties.

The situation of public affairs has been since so greatly altered, that we now think ourselves justifiable in removing the restrictions laid upon you by those instructions.

The contempt with which the last petition of the honorable Congress has been treated; the late Act of Parliament declaring the just resistance of the colonists against violence actually offered to be rebellion; excluding them from the protection of the Crown, and even compelling some of them to bear arms against their countrymen; the treaties of the king of Great Britain with other princes for engaging foreign mercenaries to aid the forces of the kingdom in their hostile enterprises against America, and his answer to the petition of the Lord Mayor, Aldermen, and Commons of the city of London,—manifest such a determined and implacable resolution to effect the utter destruction of these colonies, that all hopes of reconciliation on reasonable terms are extinguished; nevertheless, it is our ardent desire that a civil war, with all its attending miseries, should be ended by a secure and honorable peace.

We therefore hereby authorize you to concur with the other delegates in Congress in forming such further compacts between the united colonies, concluding such treaties with foreign kingdoms and States, and in adopting such other measures as, upon a view of all the circumstances, shall be judged necessary for promoting the liberty, safety, and interests of America, reserving to the people of this colony the sole and exclusive right of regulating the internal government and police of the same.

The happiness of these colonies has, during the whole course of this fatal controversy, been our first wish—their reconciliation with Great Britain our next. Ardently have we prayed for the accomplishment of both. But, if we renounce the one or the

other, we humbly trust to the mercies of the Supreme Governor of the Universe that we shall not stand condemned before His throne if our choice is determined by that overruling law of self-preservation which His Divine Wisdom has thought fit to implant in the hearts of His creatures.

Signed by order of the House.

JOHN MORTON, Speaker.



The CONTINENTAL CONGRESS OF JULY 4, 1776, voted by colonies upon the adoption of the Declaration of Independence.

It was unanimously adopted by the whole thirteen colonies on the fourth of July, 1776.

On the nineteenth of July, 1776, Congress passed the following resolution :

*Resolved*, That the Declaration passed on the fourth be fairly engrossed on parchment, with the title and style of "*the unanimous Declaration of the thirteen United States of America*," and that the same, when engrossed, be signed by every member of Congress.

The Declaration was in conformity therewith engrossed on parchment, and signed on the second of August following by all who were then members, and afterwards by several who were subsequently elected.

Several who were members on the fourth of July did not sign the Declaration, for the reason that their terms of office had expired before it was prepared for signing.

The following is a copy of the Declaration of Independence as signed, to which is appended the names of the several signers and of the States which they respectively represented.

IN CONGRESS, July 4, 1776

## THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which compel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great

Britain is a history of repeated injuries and usurpations; all having in direct object the establishment of an absolute tyranny over these States: to prove this, let facts be exhibited to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operations till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws, for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depositories of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolution, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, — the State remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose, obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the



tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws, giving his assent to their acts of pretended legislations :

For quartering large bodies of armed troops among us :

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States :

For cutting off our trade with all parts of the world :

For imposing taxes on us without our consent :

For depriving us in many cases of the benefits of trial by jury :

For transporting us beyond seas, to be tried for pretended offences :

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies :

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments :

For suspending our own legislatures, and declaring themselves invested with power to legislate for us, in all cases whatsoever.

He has abdicated government here by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time of attempts, by their legislature, to extend an unwarrantable jurisdiction over us; we have reminded them of the circumstances of our emigration and settlement here; we have appealed to their native justice and magnanimity; and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must therefore acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind—enemies in war; in peace, friends.

We, therefore, the representatives of the United States of

America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown; and that all political connection between them and the State of Great Britain is and ought to be totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

*New Hampshire.*

Josiah Bartlett,  
William Whipple,  
Matthew Thornton.

*Massachusetts.*

John Hancock,  
Samuel Adams,  
John Adams,  
Robert Treat Paine,  
Elbridge Gerry.

*Connecticut.*

Roger Sherman,  
Samuel Huntington,  
William Williams,  
Oliver Wolcott.

*Rhode Island.*

Stephen Hopkins,  
William Ellery.

*New York.*

William Floyd,  
Philip Livingston,  
Francis Lewis,  
Lewis Morris.

*New Jersey.*

Richard Stockton,  
John Witherspoon,  
Francis Hopkinson,  
John Hart,  
Abraham Clark.

*Pennsylvania.*

Robert Morris,  
Benjamin Rush,  
Benjamin Franklin,  
John Morton,  
George Clymer,  
James Smith,  
George Taylor,

James Wilson,  
George Ross.

*Delaware.*

Cæsar Rodney,  
George Read,  
Thomas McKean.

*Maryland.*

Samuel Chase,  
William Paca,  
Thomas Stone,  
Charles Carroll of Carroll-  
ton.

*Virginia.*

George Wythe,  
Richard Henry Lee,  
Thomas Jefferson,  
Benjamin Harrison,

Thomas Nelson, Jr.,  
Francis Lightfoot Lee,  
Carter Braxton.

*North Carolina.*

William Hooper,  
Joseph Hewes,  
John Penn.

*South Carolina.*

Edward Rutledge,  
Thomas Heyward, Jr.,  
Thomas Lynch, Jr.,  
Arthur Middleton.

*Georgia.*

Button Gwinnett,  
Lyman Hall,  
George Walton.





## JOHN MORTON.



Biography from "The Sages and Heroes of the American Revolution," by L. Carroll Judson, page 267:

COURAGE and perseverance, unaided by wisdom and sound discretion, often lead men into unforeseen and unanticipated difficulties. Combined, they are the fulcrum and lever of action. Guided by a wise discretion, with talent to conceive and boldness to execute, the weak become strong, and effect wonders at which they look with astonishment after the mighty work is accomplished. To these combined qualities of the Sages and Heroes of the American Revolution we owe the blessings of liberty we now enjoy more than to the physical powers of our nation at that time. Compared with the fleets and armies of the mother country at the eventful era when the Declaration of our Independence was adopted, the available force of the colonies dwindles to insignificance. The one a giant in the pride of his glory—the other an infant just bursting into life. The one a Goliath clad in bristling armor—the other a pioneer-boy with a puerile sling. The one with a veteran army and navy armed in panoply complete, well clothed, fed, and paid—the other with scattered fragments of raw recruits, a few light vessels, the men poorly equipped, sparingly fed,

worse clothed, and seldom paid. Without referring the successful termination of the Revolutionary struggle to the wisdom and perseverance of the patriots, who, under God, conceived, planned, and executed the noble work, it would be an unsolved enigma.

“John Morton was proverbial for his discreet, wise, courageous, and persevering course of life. He was a posthumous child, born in Ridley, Delaware County, Pennsylvania, in 1724. His ancestors came from Sweden at an early period, and settled on the banks of the Delaware River, near Philadelphia. John’s father, of the same Christian name, married Mary Richards when he was very young, and died before his majority. The widow subsequently married with John Sketchley, an intelligent Englishman, who proved a good husband and kind step-father. To him John was principally indebted for his substantial English education, having enjoyed the advantages of a school but three months. Being a good mathematician and skilful surveyor, his step-son became perfect master of this important branch of science, which, more than any other, is calculated to lead a man into precision of thought and action. Based on invariable truth and lucid demonstration, never resting on false premises, always arriving at incontrovertible conclusions, it gives a tone to the mental powers calculated to produce the most salutary results. Education is incomplete without mastering mathematics.

“Young Morton continued with his faithful guardian until manhood dawned upon him, aiding in the business of agriculture and surveying, constantly storing his mind with useful knowledge — testing theory by practice. In 1764, he was commissioned a justice of the peace, and shortly after was elected to the Assembly of his native State. He soon became conspicuous, and was subsequently Speaker of the House during several sessions. He took a deep interest in the welfare of his country, and was a member of the Congress assembled

at New York in 1765 to concert measures for the repeal of the odious Stamp Act. He concurred in the strong and bold appeals of that body, which virtually kindled the fire of the Revolution. Although smothered for a time, it was never extinguished until it consumed the last vestige of British power in America, and expired for want of fuel. In 1767, he became the sheriff of his county, which station he ably filled for three years. He was then appointed President Judge of his district, and gained the admiration and esteem of the entire community. About this time he performed a very sensible act by marrying Anne Justis, of the State of Delaware, who was worthy to be the wife of a patriot, and contributed largely to his happiness through life.

“When the dread clarion of war was sounded from the heights of Lexington, the indignation of the people in his neighborhood was so roused that they at once raised a battalion of volunteers, and elected Judge Morton Colonel. He was compelled to decline the epic honor, having been recently appointed a Judge of the Supreme Court of Pennsylvania. In July, 1774, he was made a member of the Congress that convened in Philadelphia the following September. The grand object of that Congress was to make a last and noble effort to effect a reconciliation between the two countries, and heal instead of increasing the unfortunate breach. To this end men of cool deliberation, deep thought, matured judgment, profound wisdom, and pure patriotism were selected for this important work, on which depended the destiny of themselves and unborn millions. When the delegates assembled, a deep and awful solemnity seemed to pervade every mind. No noise was heard but the still murmuring of the rushing blood, the beating of anxious hearts, and the quick respiration of those who had congregated. The proceedings were opened by prayer. Every soul seemed to commune with the spirits of another world as by vesper

orisons. After the address to the throne of grace, the same awful silence reigned. Still, nothing was heard but the rush of the purple stream and the throb of anxious hearts. Trembling tears and quivering lips told the emotions of many a bosom — too full to be expressed, too deep to be fathomed, too strong to be endured. At length the mighty spirit of Patrick Henry burst forth in all the sublimity of its native majesty, and broke the mighty spell. In bold and glowing colors, shaded with dignified sincerity, — painted upon the canvas of eternal justice with the pencil of unerring truth, — he delineated American rights and British wrongs. When he closed, every patriot responded a hearty AMEN. Their mouths were opened, their burdens lightened, they breathed more freely.

“ In May, 1775, Judge Morton took his seat in Congress, and was re-elected in November. In July, 1776, he closed his Congressional career. Before leaving, he placed a brilliant star upon the bright escutcheon of his name, by voting for and signing the Chart of our Liberty — the manifesto of freemen against the usurpations of tyranny. During the time he was in Congress, he was highly esteemed as a cool, deliberate, discreet man — purely patriotic, and anxious to do all in his power to promote the righteous cause of his bleeding country. He weighed well the consequences of severing the bonds that bound the colonies to the mother country. Unsustained, the Declaration of Independence was probable death to many — a more severe slavery for the survivors. To all human appearance, the patriots must be crushed by the physical force of their enemies, then pouring into the country by thousands, and sweeping everything before them like a mighty torrent. There were five delegates from his colony in Congress on the fourth of July, 1776. *Two of them were bitterly opposed to the measure and two in favor, which gave him the CASTING VOTE.* On him depended the enhanced misery or happy delivery of his country. When



*the final moment arrived, he cast his vote in favor of the important instrument that should prove either the death-warrant or the diploma of freedom.* Some of his old friends censured him severely for the bold act, and were so strongly tinctured with toryism that they would not be reconciled to him when he lay upon the bed of death. Such were the strong party feelings during the Revolution. His dying message to them was worthy the sage and Christian: 'TELL THEM THAT THEY WILL LIVE TO SEE THE HOUR WHEN THEY SHALL ACKNOWLEDGE IT TO HAVE BEEN THE MOST GLORIOUS SERVICE THAT I HAVE EVER RENDERED TO MY COUNTRY.' The truth of his prophecy has been most happily verified so far as his services were concerned; if the other part has not, do not go in mourning for its failure.

"When the Articles of Confederation were under discussion in Congress, Judge Morton was frequently chairman of the committee of the whole, and presided with great ability and dignity. In April, 1777, he was attacked with a highly inflammatory fever, which terminated his life in a few days, in the midst of usefulness, with fresh honors awaiting him as time rolled onward. His premature death was deeply mourned by his bereaved companion, eight children, a large concourse of bosom friends, the members of the bar, his associate judges, the State Legislature, Congress, and by every patriot of his country.

"As a private citizen, Judge Morton possessed an unusual share of esteem. He was endowed with all the amiable qualities that enrich the domestic circle and social intercourse. As the crowning glory of his fair fame, he professed and adorned the religion of his Lord and Master, and died triumphing in faith. His dust reposes in the cemetery of St. James's Church in Chester, Pennsylvania. His examples are worthy of the closest imitation; his brief career admonishes us of the uncertainty of human life; his happy death is an evidence of the truth of unvarnished piety."



THE NEW CONSTITUTION  
OF  
PENNSYLVANIA.



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# CONSTITUTION

OF THE

## COMMONWEALTH OF PENNSYLVANIA,

ADOPTED DECEMBER 16, 1873.



*The OLD portions of the Constitution are printed in *Italic*, and the NEW in Roman type.*

### PREAMBLE.

WE, THE PEOPLE OF THE COMMONWEALTH OF PENNSYLVANIA, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, DO ORDAIN AND ESTABLISH THIS CONSTITUTION.

### ARTICLE I.

#### Declaration of Rights.

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

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

SEC. 2. *All power is inherent in the people, and all free governments are founded on* *Political powers inherent in the people. Their right to reform government.* *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.*

SEC. 3. *All men have a natural and indefeasible right to*  
*Natural rights of* worship Almighty God according to the dic-  
*conscience and* tates of their own consciences; no man can  
*freedom of wor-* of right be compelled to attend, erect, or sup-  
*ship.* port 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 no prefer-  
 ence shall ever be given by law to any religious establishments  
 or modes of worship.

SEC. 4. *No person who acknowledges the*  
*Religious opin-* being of a God and a future state of rewards  
*ions not to dis-* and punishments shall, on account of his re-  
*qualify for hold-* ligious sentiments, be disqualified to hold any office or place of  
*ing office.* trust or profit under this Commonwealth.

SEC. 5. *Elections shall be free and equal;*  
*Freedom of elec-* and no power, civil or military, shall at any  
*tions.* time interfere to prevent the free exercise of the right of  
 suffrage.

SEC. 6. *Trial by jury shall be as hereto-*  
*Trial by jury.* fore, and the right thereof remain inviolate.

SEC. 7. *The printing-press shall be free to every person who*  
*Freedom of the* may undertake to examine the proceedings  
*press.* of the legislature or any branch of govern-  
 ment, 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.*

No conviction shall be had in any prosecution for the pub-  
 lication of papers relating to the official  
 conduct of officers or men in public capacity,  
 or to any other matter proper for public  
 investigation or information, where the fact that such pub-  
 lication was not maliciously or negligently made shall be  
 established to the satisfaction of the jury; and in all indict-  
 ments for libels, the jury shall have the right to determine  
 the law and the facts, under the direction of the court, as in  
 other cases.



SEC. 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.*

*Searches and seizures limited.*

SEC. 9. *In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the 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.*

*Rights of defence and privileges in criminal prosecutions.*

SEC. 10. *No person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office.*

*Criminal informations limited.*

*No person shall, for the same offence, 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.*

*Twice in jeopardy. Appropriation of private property to public use.*

SEC. 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 as the legislature may by law direct.*

*Administration of justice to be free. Suits against the Commonwealth.*

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

*Limitation upon suspension of laws.*

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

*Excessive bail or fines and cruel punishment forbidden.*

SEC. 14. *All prisoners shall be bailable by sufficient sureties,*

unless for capital offences 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.

*Prisoners bailable. Habeas Corpus.*

SEC. 15. No commission of Oyer and Terminer or Jail Delivery shall be issued.

*No commission of Oyer and Terminer to issue.*

*Imprisonment of insolvent debtors limited.*

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

*Laws ex post facto or impairing contracts, irrevocable grants, etc., forbidden.*

*No legislative attainder of treason or felony.*

*Attainder shall not work corruption of blood or forfeiture beyond life.*

*No forfeiture for suicide or in case of death by casualty.*

SEC. 17. No EX POST FACTO law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

SEC. 18. No person shall be attainted of treason or felony by the legislature.

SEC. 19. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death, and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

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

*Rights of meeting and petition.*

*Right to bear arms.*

SEC. 21. The right of the citizens to bear arms in defence of themselves and the state shall not be questioned.

*Subordination of the military to the civil power.*

SEC. 22. No standing army shall, in time of peace, be kept up without the consent of the legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

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

*Quartering of troops in houses.*

SEC. 24. The legislature shall not grant any title of nobility

or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior.

*No title of nobility to be created, etc., or office tenure beyond good behavior.*

SEC. 25. Emigration from the State shall not be prohibited.

*Emigration permitted.*

SEC. 26. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government, and shall for ever remain inviolate.

*Everything in this article excepted from the powers of government.*

## ARTICLE II.

### The Legislature.

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

*The legislative power vested.*

SEC. 2. Members of the General Assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election.

*Biennial elections.*

Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

*Vacancies, how filled.*

SEC. 3. Senators shall be elected for the term of four years, and Representatives for the term of two years.

*Legislative terms.*

SEC. 4. 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.

*Biennial meetings.*

*Special sessions.*

In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the Governor shall convene the two Houses, by proclamation on notice not exceeding sixty days, to fill the same.

SEC. 5. Senators shall be at least twenty-five years of age and Representatives twenty-one years of age. They shall have been citi-

*Qualifications of Senators and Representatives.*

zens and inhabitants of the State FOUR years, and inhabitants of their respective districts one year next before their election (unless absent on public business of the United States or of this State), and shall reside in their respective districts during their terms of service.

SEC. 6. 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.

SEC. 7. 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.

SEC. 8. 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.

SEC. 9. 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 whenever the said office 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.

SEC. 10. 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.

SEC. 11. *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 offence.* *Powers of each House.*

SEC. 12. *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.* *Each House shall keep and publish a journal.*

SEC. 13. *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.* *Sessions to be open.*

SEC. 14. *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.* *Adjournments.*

SEC. 15. *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.* *Privileges of members.*

SEC. 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.* *Single senatorial districts.*

*Each county containing one or more ratios 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 unless entitled to two or more Senators.

No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators.

*Ward, etc., not to be divided.* No ward, borough, or township shall be divided in the formation of a district.

*Ratio.* The senatorial ratio shall be ascertained by dividing the whole population of the State by the number of fifty.

SEC. 17. *Representative districts.* The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the State as ascertained by the most recent United States census by two hundred.

*County with less than five ratios.* 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 at least one representative.

*County with more than five.* Each county containing five ratios or more shall have one representative for every full ratio.

*Cities having one or more ratios.* Every city containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located.

*City districts.* Every city 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.

SEC. 18. *When apportionments to be made.* The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts agreeably to the provisions of the next two preceding sections.

ARTICLE III.

Legislation.

SECTION 1. No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

*Passage of bills.*

SEC. 2. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members.

*Reference and printing.*

SEC. 3. No bill, except general appropriation bills, shall be passed, containing more than one subject, which shall be clearly expressed in its title.

*To contain but one subject expressed in title.*

SEC. 4. Every bill shall be read at length on three different days in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

*To be read on three days. Amendments to be printed.*

SEC. 5. No amendment to bills by one House shall be concurred in by the other, except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either House only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

*Yeas and nays.*

*Votes concurring in amendments and on reports of conference to be by yeas and nays.*

SEC. 6. No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be re-enacted and published at length.

*Revival of laws.*

SEC. 7. The General Assembly shall not pass any local or special law authorizing the creation, extension or impairing of liens; regulating the

*Limitation on special legislation.*

affairs of counties, cities, townships, wards, boroughs or school districts; changing the names of persons or places; changing the venue in civil or criminal cases; authorizing the laying out, opening, altering or maintaining roads, highways, streets or alleys; relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State; vacating roads, town plats, streets or alleys; relating to cemeteries, graveyards, or public grounds not of the State; authorizing the adoption or legitimation of children; locating or changing county seats; erecting new counties or changing county lines; incorporating cities, towns or villages, or changing their charters; for the opening and conducting of elections, or fixing or changing the place of voting; granting divorces; erecting new townships or boroughs; changing township lines, borough limits or school districts; creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election or school districts; changing the law of descent or succession; regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate; regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables; regulating the management of public schools, the building or repairing of school-houses, and the raising of money for such purposes; fixing the rate of interest; affecting the estates of minors or persons under disability, except after due notice to all parties in interest, to be recited in the special enactment; remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury; exempting property from taxation; regulating labor, trade, mining or manufacturing; creating corporations, or amending, renewing or extending the charters thereof; granting to any corporation, association or individual any special or exclusive privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track; nor shall the General Assembly indirectly enact such special



or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed; *nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.*

SEC. 8. No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality *30 days' notice of local or special bills.* where the matter or the thing to be affected may be situated, which notice shall be at least thirty days prior to the introduction into the General Assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published, shall be exhibited in the General Assembly before such act shall be passed.

SEC. 9. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions *Signing of bills by presiding officers.* passed by the General Assembly, after their titles have been publicly read immediately before signing; and the fact of signing shall be entered on the journal.

SEC. 10. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employees of each House, *Legislative officers, duty, compensation of.* and no payment shall be made from the State treasury, or be in any way authorized, to any person, except to an acting officer or employee elected or appointed in pursuance of law.

SEC. 11. No bill shall be passed giving any extra compensation to any public officer, servant, employee, agent or contractor, after services shall have been rendered or contract *No extra compensation to officers or contractors.* made, nor providing for the payment of any claim against the Commonwealth without previous authority of law.

SEC. 12. All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished, and the *Public printing, &c., &c., to be done by contract.* printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and

rooms used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor-General and State Treasurer.

SEC. 13. No law shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.

*No extension of official terms or increase of compensation.*

SEC. 14. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

*Revenue bills.*

SEC. 15. 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 shall be made by separate bills, each embracing but one subject.

*Appropriation bills.*

SEC. 16. No money shall be paid out of the treasury, except upon appropriations made by law, and on moneys from the warrant drawn by the proper officer in pursuance thereof.

*Payments of moneys from the treasury.*

SEC. 17. No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

*Appropriations to charitable institutions.*

SEC. 18. No appropriations, except for pensions or gratuities for military services, shall be made for charitable, educational or benevolent purposes, to any person or community, nor to any denominational or sectarian institution, corporation or association.

*Appropriations for charitable purposes, &c., limited.*

SEC. 19. The General Assembly may make appropriations of money to institutions wherein the widows of soldiers are

*Appropriations may be made for widows and orphans of soldiers.*

supported or assisted, or the orphans of soldiers are maintained and educated; but such appropriation shall be applied exclusively to the support of such widows and orphans.

SEC. 20. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

*Power over municipal administration not to be delegated.*

SEC. 21. No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property; and, in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes, different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

*No limitation of damages for certain injuries.*

*Nor of time for bringing suits.*

SEC. 22. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees, in the bonds or stock of any private corporation, and such acts now existing are avoided saving investments heretofore made.

*Investment of trust funds.*

SEC. 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

*Changes of venue.*

SEC. 24. No obligation or liability of any railroad or other corporation, held or owned by the Commonwealth, shall ever be exchanged, transferred, remitted, postponed, or in any way diminished by the General Assembly, nor shall such liability or obligation be released, except by payment thereof into the State treasury.

*No obligation of corporations to the State to be released, &c.*

SEC. 25. When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other

*Limitations of legislative power at special sessions.*

than those designated in the proclamation of the Governor calling such session.

SEC. 26. Every order, resolution or vote to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor, and before it shall take effect be approved by him, or being disapproved, shall be re-passed by two-thirds of both Houses according to the rules and limitations prescribed in case of a bill.

SEC. 27. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.

SEC. 28. No law changing the location of the Capital of the State shall be valid until the same shall have been submitted to the qualified electors of the Commonwealth at a general election and ratified and approved by them.

SEC. 29. A member of the General Assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offence, and such additional punishment as is or shall be provided by law.

SEC. 30. Any person who shall, directly or indirectly, offer, give or promise, any money, or thing of value, testimonial, privilege or personal advantage, to any executive or judicial

officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as shall be provided by law.

SEC. 31. The offence of corrupt solicitation of members of the General Assembly or of public officers of the State or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

*The offence of corrupt solicitation to be punished by fine and imprisonment.*

SEC. 32. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offence of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony; and any person convicted of either of the offences aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this Commonwealth.

*Witnesses to testify in cases of bribery and solicitation.*

*Punishment.*

SEC. 33. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon.

*Interested members shall not vote.*

## ARTICLE IV.

### The Executive.

SECTION 1. *The executive department of this Commonwealth shall consist of a Governor, Lieutenant-Governor, Secretary of the Commonwealth, Attorney-General, Auditor-General, State Treasurer, Secretary of Internal Affairs and a Superintendent of Public Instruction.*

*Executive officers.*

SEC. 2. *The supreme executive power shall be vested in the*

*Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the Commonwealth, at the places where they shall vote for Representatives.*

*The Governor.*

*His election.*

*The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the President of the Senate, who shall open and publish them in the presence of the members of both Houses of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more 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 General Assembly, and formed and regulated in such manner as shall be directed by law.*

SEC. 3. *The Governor shall hold his office during FOUR years from the third Tuesday of January next ensuing his election, and shall not be eligible to the office for the next succeeding term.*

SEC. 4. *A Lieutenant-Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall be President of the Senate, but shall have no vote unless they be equally divided.*

SEC. 5. *No person shall be eligible to the office of Governor or Lieutenant-Governor except a citizen of the United States, who shall have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of the State, unless he shall have been absent on the public business of the United States or of this State.*

SEC. 6. *No member of Congress or person holding any office under the United States or this State shall exercise the office of Governor or Lieutenant-Governor.*

SEC. 7. *The Governor shall be commander-in-chief of the army and navy of the Commonwealth, and of the militia, except when they shall be called into the actual service of the United States.*

SEC. 8. He shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney-General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen, in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor-General, State Treasurer, Secretary of Internal Affairs, or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy, in an elective office, a person shall be chosen to said office at the next general election, unless the vacancy shall happen within three calendar months immediately preceding such election, in which case the election for said office shall be held at the second succeeding general election. 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, and shall be entered on the journal.

*Power of Governor to appoint with consent of Senate.*

*To fill vacancies.*

*Senate to act on nominations with open doors.*

*Votes to be recorded.*

SEC. 9. He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence, and pardons, except in cases of impeachment; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Lieutenant-Governor, Secretary of the Commonwealth, Attorney General, and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session; and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

*Pardoning power.*

SEC. 10. He may require information in writing from the

*Governor may require information from executive officers.* officers of the executive department, upon 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 may 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 shall think proper, not exceeding four months.* He shall have power to convene the Senate in extraordinary session by proclamation, for the transaction of executive business.

SEC. 13. In case of the death, conviction, or impeachment, failure to qualify, resignation, or other disability of the Governor, the powers, duties, and emoluments of the office, for the remainder of the term, or until the disability be removed, shall devolve upon the Lieutenant-Governor.

SEC. 14. In case of a vacancy in the office of Lieutenant Governor, or when the Lieutenant-Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties, and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the President *pro tempore* of the Senate; and the President *pro tempore* of the Senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor; his seat as Senator shall become vacant whenever he shall become Governor, and shall be filled by election as any other vacancy in the Senate.

SEC. 15. *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, which House shall enter the objections at large upon their journal, and proceed to reconsider it.*

*If, after such reconsideration, two-thirds of all the members*



elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House, by which likewise it shall be reconsidered; and if approved by two-thirds of all the members elected to that House it shall be a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and 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 after it shall have been presented to him, *Retained bills to the same shall be a law in like manner as if become laws.* he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, *Exception.* in the office of the Secretary of the Commonwealth, and give notice thereof by public proclamation within thirty days after such adjournment.

SEC. 16. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct *A partial veto allowed on appropriation bills.* items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

SEC. 17. The Chief Justice of the Supreme Court shall preside upon the trial of any contested election of Governor or Lieutenant-Governor, and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his *Chief Justice to preside on trial of contested election of Governor or Lieutenant-Governor.* opinion upon other questions of law involved in the trial.

The Governor and Lieutenant-Governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

SEC. 18. The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of *Secretary of Commonwealth.* the Governor, and when required lay the same, with all papers, minutes and vouchers relating thereto, before either branch of the General Assembly, and perform such other duties as may be enjoined upon him by law.

SEC. 19. The Secretary of Internal Affairs shall exercise

all the powers and perform all the duties of the Surveyor-General, subject to such changes as shall be made by law.

*Secretary of Internal Affairs.* His department shall embrace a bureau of industrial statistics, and he shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber, and other material or business interests of the State as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the General Assembly.

SEC. 20. The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the Superintendent of Common Schools, subject to such changes as shall be made by law.

SEC. 21. The term of the Secretary of Internal Affairs shall be four years; of the Auditor-General three years; and of the State Treasurer two years. These officers shall be chosen by the qualified electors of the State at general elections. No person elected to the office of Auditor-General or State Treasurer shall be capable of holding the same office for two consecutive terms.

SEC. 22. *The present Great Seal of Pennsylvania shall be the seal of the State. All commissions shall be in the name and by authority of the Commonwealth of Pennsylvania, and be sealed with the State seal, and signed by the Governor.*

## ARTICLE V.

### The Judiciary.

SECTION 1. *The judicial power of this Commonwealth shall be vested in a Supreme Court, in Courts of Common Pleas, Courts of Oyer and Terminer and General Jail Delivery, Courts of Quarter Sessions of the Peace, Orphans' Courts, Magistrates' Courts, and in such other courts as the General Assembly may from time to time establish.*

SEC. 2. *The Supreme Court shall consist of SEVEN judges, who shall be elected by the qualified electors of the State at large.*

They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire shall be chief justice, and thereafter each judge whose commission shall first expire shall in turn be chief justice.

SEC. 3. The jurisdiction of the Supreme Court shall extend over the State, and the judges thereof shall, by *Jurisdiction of* virtue of their offices, be justices of Oyer and *Supreme Court.* Terminer and General Jail Delivery in the several counties; they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of habeas corpus, of mandamus to courts of inferior jurisdiction, and of quo warranto as to all officers of the Commonwealth whose jurisdiction extends over the State, but shall not exercise any other original jurisdiction; they shall have appellate jurisdiction by appeal, certiorari or writ of error in all cases, as is now or may hereafter be provided by law.

SEC. 4. Until otherwise directed by law, the Courts of Common Pleas shall continue as at present *Courts of Com-* established, except as herein changed; not *mon Pleas. Dis-* more than FOUR counties shall, at any *tricts not to con-* time, be included in one judicial district *tain more than* organized for said courts. *four counties.*

SEC. 5. Whenever a county shall contain forty thousand inhabitants it shall constitute a separate *Judicial districts.* judicial district, and shall elect one judge learned in the law; and the General Assembly shall provide for additional judges, as the business of the said districts may require.

Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the General Assembly may provide.

The office of associate judge, not learned in the law, is abolished in counties forming separate districts; but the several associate judges in office when this Constitution shall be *Office of Asso-* adopted shall serve for their unexpired terms. *ciate Judge abol-*

SEC. 6. In the counties of Philadelphia and Allegheny all the jurisdiction and powers now vested in the District Courts and Courts of Common Pleas, subject to such changes as may be *Common Pleas* courts in Philadelphia and Allegheny.

made by this Constitution or by law, shall be in Philadelphia vested in four, and in Allegheny in two, distinct and separate courts of equal and co-ordinate jurisdiction, composed of three judges each; the said courts in Philadelphia shall be designated respectively as the Court of Common Pleas number one, number two, number three, and number four, and in Allegheny as the Court of Common Pleas number one and number two, but the number of said courts may be by law increased, from time to time, and shall be in like manner designated by successive numbers; the number of judges in any of said courts, or in any county where the establish-

*Increase of judges in Common Pleas courts.* ment of an additional court may be authorized by law, may be increased from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid.

In Philadelphia all suits shall be instituted in said Courts of Common Pleas without designating the number of said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court, and each court, to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law. In Allegheny each

*Allegheny.* court shall have exclusive jurisdiction of all proceedings at law and in equity, commenced therein, subject to change of venue as may be provided by law.

SEC. 7. For Philadelphia there shall be one prothonotary's office, and one prothonotary for all said courts to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said courts; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury.

Each court shall have its separate dockets, except the judgment docket, which shall contain the judgments and

liens of all the said courts, as is or may be directed by law.

*Separate dockets for courts; but one judgment and lieu docket.*

SEC. 8. The said courts in the counties of Philadelphia and Allegheny respectively, shall, from time to time, in turn detail one or more of their judges to hold the Courts of Oyer and Terminer and the Courts of Quarter Sessions of the Peace of said counties, in such manner as may be directed by law.

*Criminal courts in Philadelphia and Allegheny.*

SEC. 9. *Judges of the Courts of Common Pleas learned in the law shall be judges of the Courts of Oyer and Terminer, Quarter Sessions of the Peace and General Jail Delivery, and of the Orphans' Court, and within their respective districts shall be Justices of the Peace as to criminal matters.*

*Jurisdiction of Common Pleas judges.*

SEC. 10. *The judges of the Courts of Common Pleas, within their respective counties, shall have power to issue writs of certiorari to Justices of the Peace and other inferior courts not of record, and to cause their proceedings to be brought before them, and right and justice to be done.*

*May issue writs of certiorari to inferior courts.*

SEC. 11. *Except as otherwise provided in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs and townships at the time of the election of constables, by the qualified electors thereof, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of five years.*

*Justices of the peace and aldermen.*

*No township, ward, district 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; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.*

SEC. 12. In Philadelphia there shall be established, for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be five years, and they shall be elected on general ticket by

*Magistrates in Philadelphia.*

the qualified voters at large; and in the election of the said magistrates, no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving

*Alderman abolished.* an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of alderman is abolished.

SEC. 13. All fees, fines, and penalties in said courts shall be paid into the county treasury.

SEC. 14. In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate, or court not of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court or judge thereof upon cause shown.

SEC. 15. *All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the*

*Removal.* Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

SEC. 16. 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.

SEC. 17. Should any two or more judges of the Supreme Court, or any two or more judges of the Court of Common Pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith.

SEC. 18. *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.

They shall receive no other compensation, fees, or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this State, or any other State. *Disqualification.*

SEC. 19. The judges of the Supreme Court, during their continuance in office, shall reside within this Commonwealth; and the other judges, during their continuance in office, shall reside within the districts for which they shall be respectively elected. *Residence of judges.*

SEC. 20. The several Courts of Common Pleas, besides the powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several Courts of Common Pleas of this Commonwealth, or as may hereafter be conferred upon them by law. *Chancery powers of Courts of Common Pleas.*

SEC. 21. 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 as herein provided. *No extra-judicial duties for judges.*

The Court of *Nisi Prius* 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. *Nisi Prius abolished.*

SEC. 22. In every county wherein the population shall exceed one hundred and fifty thousand, the General Assembly shall, and in any other county may, establish a separate Orphans' Court, to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the Orphans' Courts, and thereupon the jurisdiction of the judges of the Court of Common Pleas within such county, in Orphans' Court proceedings, shall cease and determine. In any county in which a separate Orphans' Court shall be established, the register of wills shall be clerk of such court and subject to its directions, in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court. *Separate Orphans' Court. Register of wills to be clerk thereof.*

All accounts filed with him as register or as clerk of the said separate Orphans' Court, shall be audited by the court without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint.

*Accounts therein to be audited by courts.* *Registers' Courts abolished.* In every county Orphans' Courts shall possess all the powers and jurisdiction of a Register's Court, and separate Registers' Courts are hereby abolished.

SEC. 23. 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."

SEC. 24. In all cases of felonious homicide, and in such other criminal cases as may be provided for by law, the accused after conviction and sentence, may remove the indictment, record, and all proceedings to the Supreme Court for review.

SEC. 25. Any vacancy happening by death, resignation, or otherwise, in any court of record, shall be filled by appointment by the Governor, to continue till the first Monday of January next succeeding the first general election which shall occur three or more months after the happening of such vacancy.

SEC. 26. All laws relating to courts shall be general and of uniform operation, and the organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts, shall be uniform; and the General Assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the Courts of Common Pleas and Orphans' Courts.

*Uniform laws for courts, &c.* *Special courts prohibited.* *Parties may submit issues of fact to the court.* shall hear and determine the same; and the judgment thereon shall be subject to writ of error as in other cases.

SEC. 27. The parties, by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error as in other cases.



## ARTICLE VI.

## Impeachment and Removal from Office.

SECTION 1. *The House of Representatives shall have the sole power of impeachment.* **Impeachment.**

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.* **How tried.**

SEC. 3. *The Governor and all other civil officers 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 trust or profit under this Commonwealth; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.* **What officers impeachable.**

SEC. 4. *All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime.* **Condition of official tenure.** Appointed officers, other than judges of the courts of record and the Superintendent of Public Instruction, may **Removal.** be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant-Governor, members of the General Assembly, and judges of the courts of record learned in law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

## ARTICLE VII.

## Oath of Office.

SECTION 1. Senators and Representatives and all judicial, State and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Consti-

tution of this Commonwealth, and that I will discharge the duties of my office with fidelity; and that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law.”

The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the Supreme Court, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office; and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this Commonwealth. The oath to the members of the Senate and House of Representatives, shall be administered by one of the judges of the Supreme Court or of a Court of Common Pleas learned in the law, in the hall of the House to which the members shall be elected.

## ARTICLE VIII.

### Suffrage and Elections.

SECTION 1. *Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections: First.—He shall have been a citizen of the United States at least one month. Second.—He shall have resided in the State one year (or if, having previously been a qualified elector or native born citizen of the State, he shall have removed therefrom and returned, then six months,) immediately preceding the election. Third.—He shall have resided in the election district where he*

shall offer to vote at least two months immediately preceding the election. Fourth. — If twenty-two years of age or upwards, he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election.

SEC. 2. The general election shall be held annually on the Tuesday next following the first Monday of November, but the General Assembly *General elections.* may by law fix a different day, two-thirds of all the members of each House consenting thereto.

SEC. 3. All elections for city, ward, borough and township officers, for regular terms of service, shall *Municipal elections.* be held on the third Tuesday of February.

SEC. 4. All elections by the citizens shall be by ballot. Every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers *Elections to be by ballot and ballots numbered.*

on the list of voters, opposite the name of the elector who presents the ballot. Any elector may write his name upon his ticket, or cause the same to be written thereon and attested by *Endorsements thereon authorized.* a citizen of the district. The election officers shall be sworn or affirmed not to disclose how any elector shall have voted unless required to do so as witnesses in a judicial proceeding.

SEC. 5. Electors shall in all cases except treason, felony and breach or surety of the peace, be privileged *Electors privileged from arrest.* from arrest during their attendance on elections and in going to and returning therefrom.

SEC. 6. Whenever any of the qualified electors of this Commonwealth shall be in actual military service, under a requisition from the President of the *Soldier voting.* United States or by the authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of election.

SEC. 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State, but no elector shall be deprived of the *Election laws to be uniform, but unregistered electors may vote.* privilege of voting by reason of his name not being registered.

SEC. 8. Any person who shall give, or promise or offer to give, to an elector, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

SEC. 9. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or wilful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this Commonwealth: and any person convicted of wilful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

SEC. 10. In trials of contested elections, and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving such testimony.

SEC. 11. Townships, and wards of cities or boroughs, shall form or be divided into election districts of compact and contiguous territory, in such manner as the Court of Quarter Sessions of the city or county in which the same are located may direct: but districts in cities of over one hundred thousand inhabitants shall be divided by the Courts of Quarter Sessions, having jurisdiction therein, whenever at the next preceding election more than two hundred and fifty votes shall have been polled therein; and other election districts whenever the

court of the proper county shall be of opinion that the convenience of electors and the public interests will be promoted thereby.

SEC. 12. *All elections by persons in a representative capacity shall be viva voce.* *Representatives to vote viva voce.*

SEC. 13. For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, *Residence of voters not gained or lost in certain cases.* either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poor-house or other asylum at public expense, nor while confined in public prison.

SEC. 14. District election boards shall consist of a judge and two inspectors, who shall be chosen annually by the citizens. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. *Election boards.* The first election board for any new district shall be selected, and vacancies in *Clerks.* election boards filled, as shall be provided by law. *Vacancies.* Election officers shall be privileged from arrest upon days of election, and while engaged *Privileges of election officers.* in making up and transmitting returns, except upon warrant of a court of record or judge thereof, for an election fraud, for felony, or for wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service.

SEC. 15. No person shall be qualified to serve as an election officer who shall hold, or shall within two months have held any office, appointment or employment in or under the government of the United States or of this *Government of officers and employees disqualified to serve as election officers.* State, or of any city, or county, or of any municipal board, commission or trust in any city, save only justices of the peace and aldermen, notaries public and persons in the militia service of the State; nor shall any election officer be eligible to any civil office to be filled at an *Ineligibility of election officers.* election at which he shall serve, save only to such subordinate municipal or local offices, below the

grade of city or county offices, as shall be designated by general law.

SEC. 16. The Courts of Common Pleas of the several counties of the Commonwealth shall have power within their respective jurisdictions, to appoint overseers of election to supervise the proceedings of election officers and to make report to the court as may be required; such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election district, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties; whenever the members of an election board shall differ in opinion the overseers, if they shall be agreed thereon, shall decide the question of difference; in appointing overseers of election all the law judges of the proper court, able to act at the time, shall concur in the appointments made.

*Courts of Common Pleas may appoint overseers of elections.*

*Overseers may decide questions of difference.*

SEC. 17. The trial and determination of contested elections of electors of President and Vice-President, members of the General Assembly, 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; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

*Trial of contested elections.*

## ARTICLE IX.

### Taxation and Finance.

SECTION 1. 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 laws; but the

*Taxes to be uniform.*

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, and institutions of purely public charity.

*Exemptions.*

SEC. 2. All laws exempting property from taxation, other than the property above enumerated, shall be void.

*Limitation of power to exempt.*

SEC. 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

*Power to tax corporations not to be surrendered.*

SEC. 4. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenues, repel invasion, suppress insurrection, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed, in the aggregate at any one time, one million of dollars.

*Power to make debts.*

SEC. 5. All laws, authorizing the borrowing of money by and on behalf of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other.

*Moneys borrowed to be used for purpose specified.*

SEC. 6. The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation or association, nor shall the Commonwealth become a joint owner or stockholder in any company, association or corporation.

*State credit not to be loaned, &c.*

SEC. 7. The General Assembly shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

*Municipalities not to become stockholders, &c.*

SEC. 8. The debt of any county, city, borough, township, school district or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the assent of the electors thereof at a public

*Municipal debts limited.*

*election in such manner as shall be provided by law: but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum, in the aggregate at any one time, upon such valuation.*

SEC. 9. *The Commonwealth shall not assume the debt, or any part thereof, of any city, county, borough or township, unless such debt shall have been contracted to enable the State to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness.*

SEC. 10. *Any county, township, school district or other municipality incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within thirty years.*

SEC. 11. *To provide for the payment of the present State debt, and any additional debt contracted as aforesaid, the General Assembly shall continue and maintain the sinking fund, sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of the public works or any part thereof, and of the income or proceeds of the sale of any stocks owned by the Commonwealth, together with other funds and resources that may be designated by law, and shall be increased from time to time by assigning to it any part of the taxes or other revenues of the State not required for the ordinary and current expenses of government; and unless in case of war, invasion, or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.*

SEC. 12. *The moneys of the State, over and above the necessary reserve, shall be used in the payment of the debt of the State, either directly or through the sinking fund, and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States or of this State.*

SEC. 13. *The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and*



kept as may be provided by law. Monthly statements shall be published showing the amount of such moneys, where the same are deposited, and how secured.

SEC. 14. The making of profit out of the public moneys or using the same for any purpose not authorized by law by any officer of the State, or member or officer of the General Assembly, shall be a misdemeanor and shall be punished as may be provided by law, but part of such punishment shall be disqualification to hold office for a period of not less than five years.

## ARTICLE X.

### Education.

SECTION 1. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth above the age of six years may be educated, and shall appropriate at least one million dollars each year for that purpose.

SEC. 2. No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.

SEC. 3. Women twenty-one years of age and upwards, shall be eligible to any office of control or management under the school laws of this State.

## ARTICLE XI.

### Militia.

SECTION 1. *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.*

The General Assembly shall provide for maintaining the militia by appropriations from the treasury of the Commonwealth, and may exempt from military service persons having conscientious scruples against bearing arms.

## ARTICLE XII.

## Public Officers.

SECTION 1. *All officers, whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law.*

SEC. 2. *No member of Congress from this State, nor 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, fees, or perquisites, shall be attached. The General Assembly may by law declare what offices are incompatible.*

SEC. 3. *Any person who shall fight a duel or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.*

## ARTICLE XIII.

## New Counties.

SECTION 1. *No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants; nor shall any county be formed of less area, or containing a less population; nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.*

## ARTICLE XIV.

## County Officers.

SECTION 1. *County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys, and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected.*

SEC. 2. County officers shall be elected at the general elections and shall hold their offices for the term of three years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for shall be filled in such manner as may be provided by law.

SEC. 3. 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.

SEC. 4. Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county surveyors and sheriffs, shall keep their offices in the town of the county in which they respectively shall be officers.

SEC. 5. The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive, into the treasury of the county or State, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

SEC. 6. The General Assembly shall provide by law for the strict accountability of all county, township and borough officers, as well for the fees which may be collected by them, as for all public or municipal moneys which may be paid to them.

SEC. 7. 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.

## ARTICLE XV.

## Cities and City Charters.

SECTION 1. Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general election in favor of the same.

SEC. 2. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government.

SEC. 3. Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt.

## ARTICLE XVI.

## Private Corporations.

SECTION 1. All existing charters, or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

SEC. 2. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

SEC. 3. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as

the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

SEC. 4. In all elections for directors or managers of a corporation each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

*The free vote in stockholder elections.*

SEC. 5. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

*Foreign corporations to have places of business in State.*

SEC. 6. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

*Corporations not to engage in business unauthorized by their charters.*

SEC. 7. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, first obtained at a meeting to be held after sixty days' notice given in pursuance of law.

*The fictitious increase of stocks or bonds forbidden.*

SEC. 8. *Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction.* The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall on the demand of either party be deter-

*The taking and injury of private property to be compensated.*

*Appeals from assessment of damages.*

mined by a jury according to the course of the common law.

SEC. 9. Every banking law shall provide for the registry and countersigning, by an officer of the State, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the Auditor-General for the redemption of such notes or bills.

SEC. 10. *The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.*

SEC. 11. *No corporate body to possess banking and discounting privileges shall be created or organized in pursuance of any law without three months previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law, nor shall a charter for such privilege be granted for a longer period than twenty years.*

SEC. 12. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and the General Assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in, the stock or bonds of any other telegraph company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

SEC. 13. The term "corporations," as used in this article, shall be construed to include all joint-stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

## ARTICLE XVII.

## Railroads and Canals.

SECTION 1. All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers.

*Railroads and canals, public highways.*

Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States.

*May be constructed.*

Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each the other's passengers, tonnage and cars loaded or empty, without delay or discrimination.

*Shall have connections and use of connecting roads.*

SEC. 2. Every railroad and canal corporation organized in this State shall maintain an office therein where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

*Railroad and canal companies to keep offices in the State.*

SEC. 3. All individuals, associations and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for transportation of freight or passengers within the State, or coming from or going to any other State. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

*Discriminations in charges for freight and passengers prohibited.*

SEC. 4. No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad or canal corporation,

*Consolidation with competing companies prohibited.*

shall consolidate the stock, property or franchises of such corporation with, or lease, or purchase the works or franchises of, or in any way control any other railroad or canal corporation owning or having under its control a parallel or

*Officers of companies not to be officers of competing companies.* competing line; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

SEC. 5. No incorporated company doing the business of a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company, directly

*Common-carrier corporations not to engage in mining, manufacturing, &c.* or indirectly, engage in any other business than that of common-carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for

*Exception.* carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal not exceeding fifty miles in length.

SEC. 6. No president, director, officer, agent or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

SEC. 7. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise, and no railroad or canal company, or any lessee, manager or employee thereof, shall make any preferences in furnishing cars or motive power.

SEC. 8. No railroad, railway or other transportation company shall grant free passes, or passes at a discount, to any persons except officers or employees of the company.

*Free passes on railroads prohibited.*



SEC. 9. No street passenger railway shall be constructed within the limits of any city, borough or township without the consent of its local authorities.

*Passenger railroads not to be constructed without consent of municipal authorities.*

SEC. 10. No railroad, canal or other transportation company, in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.

*Acceptance of this article by companies.*

SEC. 11. The existing powers and duties of the Auditor-General in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and, in addition to the annual reports now required to be made, said Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof.

*Duties of Auditor-General as to companies transferred to Secretary of Internal Affairs.*

SEC. 12. The General Assembly shall enforce by appropriate legislation the provisions of this article.

*Laws to enforce.*

## ARTICLE XVIII.

### Future Amendments.

SECTION. 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and, if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published, three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Common-

*Amendments may be proposed by Legislature.*

wealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner, and at such time at least three months after being so agreed to by the two Houses, as the General Assembly shall prescribe; and, if such amendment or amendments shall be approved by a

*Constitutional* majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than

*once in five years.* When two or more amendments shall be submitted, they shall be voted upon separately.

## SCHEDULE.

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THAT no inconvenience may arise from the changes in the Constitution of the Commonwealth, and in order to carry the same into complete operation, it is hereby declared that:—

SECTION 1. This Constitution shall take effect on the first day of January, in the year one thousand eight hundred and seventy-four, for all purposes not otherwise provided for therein. *When to take effect.*

SEC. 2. All laws in force in this Commonwealth at the time of the adoption of this Constitution not inconsistent therewith, and all rights, actions, prosecutions and contracts shall continue as if this Constitution had not been adopted. *Saving clause.*

SEC. 3. At the general election in the year one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, Senators shall be elected in all districts where there shall be vacancies. *Senators to be elected in 1874 and 1875.*

Those elected in the year one thousand eight hundred and seventy-four shall serve for two years, and those elected in the year one thousand eight hundred and seventy-five shall serve for one year. Senators now elected and those whose terms are unexpired shall represent the districts in which they reside until the end of the terms for which they were elected. *Their terms limited.*

SEC. 4. At the general election in the year one thousand eight hundred and sixty-six, Senators shall be elected from even numbered districts to serve for two years, and from odd numbered districts to serve for four years. *A full Senate to be chosen in 1876.*

SEC. 5. The first election of Governor under this Constitution shall be at the general election in the year one thousand eight hundred and *Governor in 1875 for 3 years.*

seventy-five, when a Governor shall be elected for three years.

And the term of the Governor elected in the year one thousand eight hundred and seventy-eight and of those thereafter elected shall be for four years, according to the provisions of this Constitution.

*And in 1878 for 4 years.*  
 SEC. 6. At the general election in the year one thousand eight hundred and seventy-four, a Lieutenant-Governor shall be elected according to the provisions of this Constitution.

*Lieutenant-Governor in 1874.*  
 SEC. 7. The Secretary of Internal Affairs shall be elected at the first general election after the adoption of this Constitution; and, when the said officer shall be duly elected and qualified, the office of Surveyor-General shall be abolished.

*Election of Secretary of Internal Affairs.*  
*Office of Surveyor-General abolished.*  
 The Surveyor-General in office at the time of the adoption of this Constitution shall continue in office until the expiration of the term for which he was elected.

SEC. 8. When the Superintendent of Public Instruction shall be duly qualified, the office of Superintendent of Common Schools shall cease.

*Superintendent of Public Instruction.*  
 SEC. 9. Nothing contained in this Constitution shall be construed to render any person now holding any State office for a first official term ineligible for re-election at the end of such term.

*Present State officers re-eligible.*  
 SEC. 10. The judges of the Supreme Court in office when this Constitution shall take effect, shall continue until their commissions severally expire.

*Judges Supreme Court to remain in office.*  
*Two to be elected in 1874.*  
 Two judges in addition to the number now composing the said court shall be elected at the first general election after the adoption of this Constitution.

SEC. 11. All courts of record and all existing courts which are not specified in this Constitution, shall continue in existence until the first day of December, in the year one thousand eight hundred and seventy-five, without abridgment of their present jurisdiction, but no longer.

*Courts to continue until December 1, 1875.*  
 The Court of First Criminal Jurisdiction for the counties of Schuylkill, Lebanon and Dauphin, is hereby abolished,

and all causes and proceedings pending therein in the county of Schuylkill shall be tried and disposed of in the Courts of Oyer and Terminer and Quarter Sessions of the Peace of said county.

*The Criminal Court of Schuylkill abolished.*

SEC. 12. The Registers' Courts now in existence shall be abolished on the first of January next succeeding the adoption of this Constitution.

*Registers' Courts abolished January 1, 1875.*

SEC. 13. The General Assembly shall, at the next session after the adoption of this Constitution, designate the several judicial districts as required by this Constitution.

*Designation of Judicial Districts by the next Legislature.*

The judges in commission when such designation shall be made shall continue during their unexpired terms judges of the new districts in which they reside; but when there shall be two judges residing in the same district, the President Judge shall elect to which district he shall be assigned, and the additional law judge shall be assigned to the other district.

*Judges in commission to continue.*

SEC. 14. The General Assembly shall, at the next succeeding session after each decennial census and not oftener, designate the several judicial districts, as required by this Constitution.

*After each census districts to be designated.*

SEC. 15. Judges learned in the law of any court of record, holding commissions in force at the adoption of this Constitution, shall hold their respective offices until the expiration of the terms for which they were commissioned, and until their successors shall be duly qualified.

*The judges to continue in office till end of term.*

The Governor shall commission the President Judge of the Court of First Criminal Jurisdiction for the counties of Schuylkill, Lebanon and Dauphin as a judge of the Court of Common Pleas of Schuylkill county, for the unexpired term of his office.

*Judge of Criminal Court of Schuylkill.*

SEC. 16. After the expiration of the term of any President Judge of any Court of Common Pleas, in commission at the adoption of this Constitution, the judge of such court learned in the law and oldest in commission shall be the President Judge thereof; and when two or more judges are elected at the same time in any judicial district, they shall decide by

*The President Judge and how chosen.*

lot which shall be President Judge; but when the President Judge of a court shall be re-elected he shall continue to be President Judge of that court.

Associate judges not learned in the law, elected after the *Associate Judges' term to begin.* adoption of this Constitution, shall be commissioned to hold their offices for the term of five years from the first day of January next after their election.

SEC. 17. The General Assembly, at the first session after the adoption of this Constitution, shall fix *Legislature to fix salaries of the judges.* and determine the compensation of the judges of the Supreme Court and of the judges of the several judicial districts of the Commonwealth; and the provisions of the thirteenth section of the article on Legislation shall not be deemed inconsistent herewith.

*Present salaries not reduced.* Nothing contained in this Constitution shall be held to reduce the compensation now paid to any law judge of this Commonwealth now in commission.

SEC. 18. The Courts of Common Pleas in the counties of Philadelphia and Allegheny, shall be composed of the present judges of the District Court and Court of Common Pleas of said counties until their offices shall severally end, and of such other judges as may from time to time be selected.

For the purpose of first organization in Philadelphia, the judges of the court number one, shall be Judges Allison, Pierce and Paxson; of the court number two, Judges Hare, Mitchell and one other judge to be elected; of the court number three, Judges Ludlow, Finletter and Lynd; and of the court number four, Judges Thayer, Briggs and one other judge to be elected.

*President Judges.* The judge first named shall be the President Judge of said courts respectively, and thereafter the President Judge shall be the judge oldest in commission; but any President Judge re-elected in the same court or district shall continue to be President Judge thereof. The additional judges for courts numbers two and four,

*Election by limited vote in 1874.* shall be voted for and elected at the first general election after the adoption of this Constitution, in the same manner as the two additional Judges of the Supreme Court, and they shall decide by lot

to which court they shall belong. Their term of office shall commence on the first Monday of January, in the year one thousand eight hundred and seventy-five.

SEC. 19. In the county of Allegheny, for the purpose of first organization under this Constitution, the judges of the Court of Common Pleas, at the time of the adoption of this Constitution, shall be the judges of the court number one, and the judges of the District Court, at the same date, shall be the judges of the Common Pleas number two.

The President Judges of the Common Pleas and District Court shall be President Judge of said courts numbers one and two, respectively, until their offices shall end; and thereafter the judge oldest in commission shall be President Judge; but any President Judge re-elected in the same court or district shall continue to be President Judge thereof.

SEC. 20. The organization of the Courts of Common Pleas under this Constitution for the counties of Philadelphia and Allegheny shall take effect on the first Monday of January, one thousand eight hundred and seventy-five, and existing courts in said counties shall continue with their present powers and jurisdiction until that date, but no new suits shall be instituted in the courts of Nisi Prius after the adoption of this Constitution.

SEC. 21. The causes and proceedings pending in the Court of Nisi Prius, Court of Common Pleas, and District Court in Philadelphia shall be tried and disposed of in the Court of Common Pleas.

The records and dockets of said courts shall be transferred to the Prothonotary's office of said county.

SEC. 22. The causes and proceedings pending in the Court of Common Pleas in the county of Allegheny shall be tried and disposed of in the court number one; and the causes and proceedings pending in the District Court shall be tried and disposed of in the court number two.

SEC. 23. The Prothonotary of the Court of Common Pleas

*Prothonotary in Philadelphia to be appointed Dec. 1st, 1875.*

of Philadelphia shall be first appointed by

*The Prothonotary District Court.*

the judges of said court on the first Monday of December, in the year one thousand eight hundred and seventy-five, and the present Prothonotary of the District Court in said county shall be the Prothonotary of the said Court of Common Pleas until said date when his commission shall expire, and the present clerk of the Court of Oyer and Terminer and Quarter Sessions of the Peace in Philadelphia shall be the clerk of such court until the expiration of his present commission on the first Monday of December, in the year one thousand eight hundred and seventy-five.

*Clerk of Oyer and Terminer and Quarter Sessions.*

of Philadelphia shall be first appointed by the judges of said court on the first Monday of December, in the year one thousand eight hundred and seventy-five, and the present Prothonotary of the District Court in said county shall be the Prothonotary of the said Court of Common Pleas until said date when his commission shall expire, and the present clerk of the Court of Oyer and Terminer and Quarter Sessions of the Peace in Philadelphia shall be the clerk of such court until the expiration of his present commission on the first Monday of December, in the year one thousand eight hundred and seventy-five.

SEC. 24. In cities containing over fifty thousand inhabitants, except Philadelphia, all aldermen in office at the time of the adoption of this Constitution shall continue in office until the expiration of their commissions; and at the election for city and ward officers in the year one thousand eight hundred and seventy-five, one alderman shall be elected in each ward as provided in this Constitution.

SEC. 25. In Philadelphia magistrates, in lieu of aldermen, shall be chosen, as required in this Constitution, at the election in said city for city and ward officers in the year one thousand eight hundred and seventy-five; their term of office shall commence on the first Monday of April succeeding their election.

The terms of office of aldermen in said city holding, or entitled to, commissions at the time of the adoption of this Constitution shall not be affected thereby.

SEC. 26. All persons in office in this Commonwealth at the time of the adoption of this Constitution, and at the first election under it, shall hold their respective offices until the term for which they have been elected or appointed shall expire, and until their successors shall be duly qualified, unless otherwise provided in this Constitution.

SEC. 27. The seventh article of this Constitution prescribing an oath of office shall take effect on and after the first day of January, one thousand eight hundred and seventy-five.

*Oath to be taken Jan. 1st, 1875.*



SEC. 28. The terms of office of County Commissioners and County Auditors, chosen prior to the year one thousand eight hundred and seventy-five, which shall not have expired before the first Monday of January in the year one thousand eight hundred and seventy-six, shall expire on that day. *The County Commissioners' and Auditors' term to end Jan. 1st, 1876.*

SEC. 29. All State, county, city, ward, borough and township officers in office at the time of the adoption of this Constitution, whose compensation is not provided for by salaries alone, shall continue to receive the compensation allowed them by law until the expiration of their respective terms of office. *Compensation of officers to continue.*

SEC. 30. All State and judicial officers heretofore elected, sworn, affirmed, or in office when this Constitution shall take effect, shall severally, within one month after such adoption, take and subscribe an oath or affirmation to support this Constitution. *What officers are to take oath in thirty days.*

SEC. 31. The General Assembly at its first session, or as soon as may be, after the adoption of this Constitution, shall pass such laws as may be necessary to carry the same into full force and effect. *Duty of Legislature. Laws to be passed.*

SEC. 32. The ordinance passed by this Convention entitled "An Ordinance for submitting the amended Constitution of Pennsylvania to a vote of the electors thereof" shall be held to be valid for all the purposes thereof. *Ordinance.*

SEC. 33. The words "County Commissioners," wherever used in this Constitution and in any ordinance accompanying the same, shall be held to include the Commissioners for the city of Philadelphia. *County Commissioners.*

Adopted at Philadelphia, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-three.

JOHN H. WALKER,  
President.

Attest:

D. L. IMBRIE,  
Chief Clerk.

George A. Achenbach.  
 John E. Addicks.  
 William H. Ainey.  
 Hamilton Alricks.  
 G. W. Andrews.  
 William H. Armstrong.  
 William J. Baer.  
 Joseph Baily.  
 John M. Bailey.  
 William D. Baker.  
 Thomas R. Bannan.  
 George G. Barclay.  
 John Bardsley.  
 James P. Barr.  
 Linn Bartholomew.  
 M. C. Beebe.  
 George W. Biddle.  
 William Bigler.  
 C. A. Black.  
 Charles O. Bowman.  
 Charles Brodhead.  
 J. M. Broomall.  
 R. Brown.  
 C. R. Buckalew.  
 John C. Bullitt.  
 Samuel Calvin.  
 John H. Campbell.  
 Henry C. Carey.  
 Henry Carter.  
 Lewis C. Cassidy.  
 Pearson Church.  
 Silas M. Clark.  
 Thomas E. Cochran.  
 John Collins.  
 William L. Corbett.

George N. Corson.  
 David Craig.  
 John P. Cronmiller.  
 James W. Curry.  
 Andrew G. Curtin.  
 Theodore Cuyler.  
 George M. Dallas.  
 William Darlington.  
 William Davis.  
 R. M. De France.  
 S. C. T. Dodd.  
 A. B. Dunning.  
 Matthew Edwards.  
 M. F. Elliott.  
 James Ellis.  
 Thomas Ewing.  
 J. Gillingham Fell.  
 A. C. Finney.  
 A. M. Fulton.  
 Josiah Funck.  
 John Gibson.  
 John Gilpin.  
 H. Green.  
 J. B. Guthrie.  
 John G. Hall.  
 William B. Hanna.  
 Edward Harvey.  
 Malcolm Hay.  
 T. R. Hazzard.  
 Joseph Hemphill.  
 James H. Heverin.  
 George F. Horton.  
 Thomas Howard.  
 Charles Hunsicker.  
 D. Kaine.

E. C. Knight.  
 R. A. Lamberton.  
 Aug. S. Landis.  
 George V. Lawrence.  
 William Lilly.  
 W. E. Littleton.  
 Zach. H. Long.  
 Thomas MacConnell.  
 Wayne MacVeagh.  
 Joel B. M'Camant.  
 William M'Clean.  
 John M'Culloch.  
 Morton M'Michael.  
 John M'Murray.  
 John S. Mann.  
 Frank Mantor.  
 John G. Metzger.  
 Samuel Minor.  
 L. Z. Mitchell.  
 Henry S. Mott.  
 James W. M. Newlin.  
 Jerome B. Niles.  
 G. W. Palmer.  
 Henry W. Palmer.  
 H. C. Parsons.  
 D. W. Patterson.  
 T. H. Baird Patterson.  
 Joseph G. Patton.  
 David S. Porter.  
 Lewis Pughe.

Andrew A. Purman.  
 John N. Purviance.  
 Samuel A. Purviance.  
 John R. Read.  
 Andrew Reed.  
 Levi Rooke.  
 George Ross.  
 C. M. Runk.  
 Samuel L. Russell.  
 J. M'Dowell Sharpe.  
 J. Alex. Simpson.  
 H. G. Smith.  
 H. W. Smith.  
 W. H. Smith.  
 M. Hall Stanton.  
 John Stewart.  
 Thomas Struthers.  
 Benjamin L. Temple.  
 William J. Turrell.  
 Henry Van Reed.  
 J. M. Wetherill.  
 J. Price Wetherill.  
 Samuel M. Wherry.  
 David N. White.  
 Harry White.  
 J. W. F. White.  
 George W. Woodward.  
 Edward R. Worrell.  
 Caleb E. Wright.

## AN ORDINANCE

FOR SUBMITTING THE AMENDED CONSTITUTION OF PENNSYLVANIA TO A VOTE OF THE QUALIFIED ELECTORS THEREOF.

*Be it ordained by the Constitutional Convention of the Commonwealth of Pennsylvania, as follows :*

1. That the amended Constitution prepared by this Convention be submitted to the qualified electors of the Commonwealth for their adoption or rejection, at an election to be held on the third Tuesday of December next; except as hereinafter ordered and directed, the said election shall be held and conducted by the regular election officers in the several election districts throughout the Commonwealth, under all the regulations and provisions of existing laws relating to general elections; and the sheriffs of the several counties shall give at least twenty days' notice of said election by proclamation.

2. The Secretary of the Commonwealth shall, at least twenty days before the said election, furnish to the Commissioners of each county a sufficient number of properly prepared circulars of instructions. The Commissioners of the several counties shall cause to be printed at least three times as many ballots of affirmative votes as there are voters in each county — and the same number of negative votes; and the said Commissioners shall, at least five days before said election, cause to be fairly distributed to the several election districts in their respective counties, the said ballots, tally-lists, returns, circulars of instructions, and such other books and papers as may be necessary. The ballots shall be printed or written in the following form: On the outside the words "New Constitution;" in the inside for all persons giving affirmative votes the words "For the New Constitution," and for all persons giving negative votes the words "Against the New Constitution."

3. If it shall appear that a majority of the votes polled are for the new Constitution, then it shall be the Constitution of the Commonwealth of Pennsylvania on and after the first day of January, in the year of our Lord one thousand eight hundred and seventy-four; but if it shall appear that a majority of the votes polled were against the new Constitution, then it shall be rejected and be null and void.

4. Five Commissioners of Election, viz.: Edwin H. Fittler, Edward Browning, John P. Verree, Henry S. Hagert, and John O. James, are hereby appointed by this Convention, who shall have direction of the election upon this amended Constitution in the city of Philadelphia. The said Commissioners shall be duly sworn or affirmed to perform their duties with impartiality and fidelity. They shall also have power to fill vacancies in their own number. It shall be the duty of said Commissioners, or a majority of them, and they shall have authority to make a registration of voters for the several election divisions of said city, and to furnish the lists so made to the election officers of each precinct or division; to distribute the tickets for said city provided for by this ordinance to be used at the election; to appoint a judge and two inspectors for each election division, by whom the election therein shall be held and conducted, and to give all necessary instructions to the election officers regarding their duties in holding the election and in making returns thereof. No person shall serve as an election officer who would be disqualified under Section 15, Article 8, of the new Constitution. The general return of the election in the said city shall be opened, computed and certified before the said Commissioners, and with their approval—which approval shall be endorsed upon the return. They shall make report, directed to the President of this Convention, of their official action under this ordinance and concerning the conduct of the said election within the said city.

The judges and inspectors aforesaid shall conduct the election in all respects conformably to the general election laws of this Commonwealth, and with like powers and duties to those of ordinary election officers. Each inspector shall appoint one clerk to assist the Board in the performance of its duties, and all the election officers shall be duly sworn or affirmed according to law, and shall possess all the qualifications required by law of election officers in this Common-

wealth. At said election any duly qualified elector who shall be unregistered, shall be permitted to vote upon making proof of his right to the election officers, according to the general election laws of this Commonwealth. Return inspectors and their clerks and an hourly count of the votes shall be dispensed with, but overseers of election may be selected for any precinct by said Election Commissioners, whose duties and powers shall be the same as those of overseers of election in said city under existing election laws applicable thereto. Returns of the election shall be made in said city as in the case of an election for Governor, but a triplicate general return for said city shall be made out and forwarded to the President of this Convention at Harrisburg, as is hereafter provided in case of county returns.

5. In each of the counties of the Commonwealth (except Philadelphia), the returns of the election shall be made as in the case of an election for Governor, but the return judges in each county shall make out a triplicate county return, and transmit the same within five days after the election, directed to the President of this Convention at Harrisburg.

Done in Convention this third day of November, in the year of our Lord one thousand eight hundred and seventy-three.

JOHN H. WALKER,  
President.

*Attest:* D. L. IMBRIE,  
Chief Clerk.

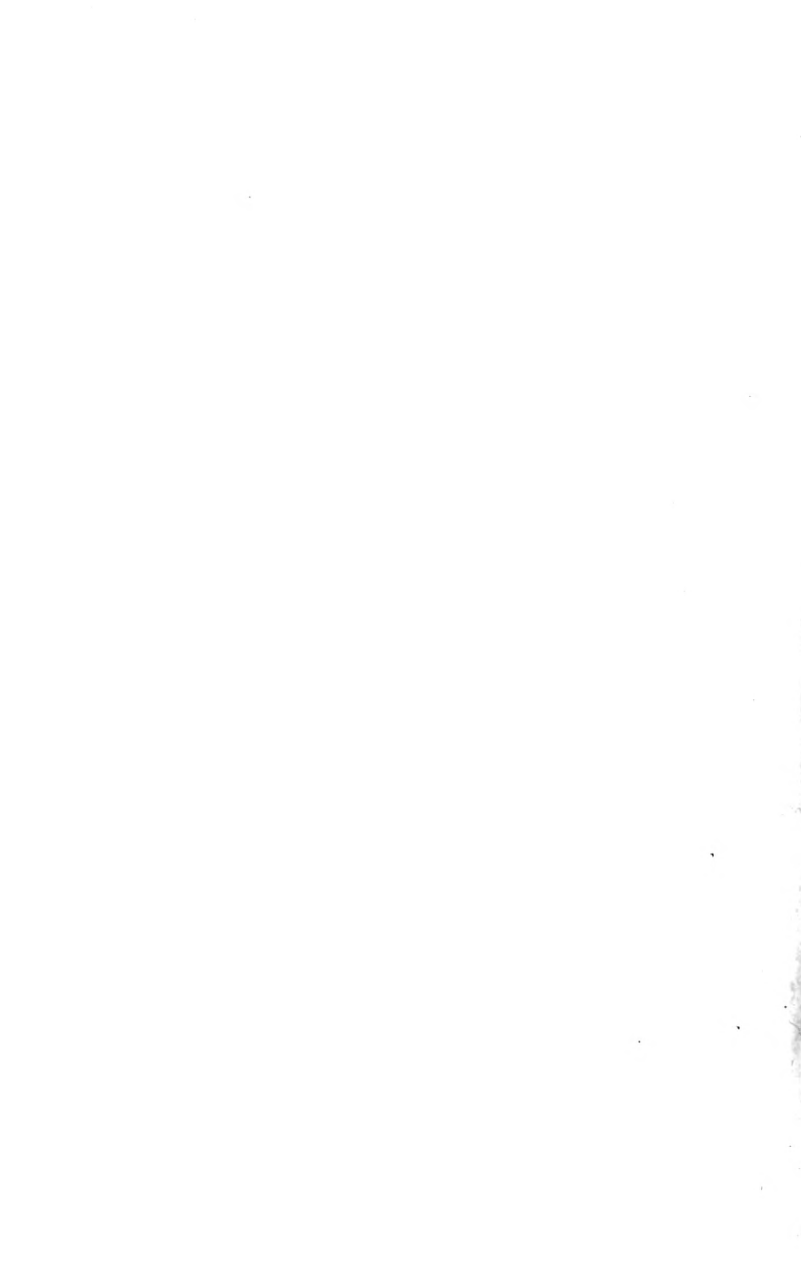














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