

## No. 70.

**An Act**

Providing for the call of a Convention to propose amendments to the Constitution of the State, to be submitted to the people thereof for their ratification or rejection.

Preamble.

WHEREAS, in pursuance of an act passed on the fourteenth day of April, one thousand eight hundred and thirty-five, the freemen of this commonwealth have, by a decided majority, determined that a convention shall be holden to propose and submit for their ratification or rejection a new State Constitution: *And whereas*, it is incumbent on the representatives of the people, promptly and without delay, to provide the means of carrying the public will into immediate effect; Therefore,

Day of election.

Number of delegates.

How apportioned.

Manner of opening, and holding the election.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met., and it is hereby enacted by the authority of the same,* That an election shall take place in the several election districts of this commonwealth, on the first Friday in November next, for the choice of delegates to a convention, to submit amendments to the constitution of this state to a vote of the people thereof, and that the said convention shall consist of a number equal to the members composing the Senate and House of Representatives of this commonwealth.

SECTION 2. The delegates to the convention shall be apportioned in the same manner that members of the Senate and House of Representatives shall then be by law apportioned.

SECTION 3. For the purpose of electing the aforesaid delegates, polls shall be opened on the said first Friday of November next, in the different election districts of the state, in the manner directed for the holding of the general elections of this commonwealth; and it shall be the duty of the inspectors, judges and clerks of the last preceding general election, to attend at the usual hour and place of holding elections, in the different election districts aforesaid, on the said first Friday of November next, to receive tickets, either written or printed, from the citizens thereof qualified to vote at the general elections, and to deposit them in a proper box or boxes, to be for that purpose provided by the proper officers, which ticket shall be labelled on the outside with the words "Delegates;" and that the said election shall in all other respects be conducted, and returns made and transmitted, as in cases of elections for Senators and Representatives to the general assembly; and the return judges of said election

shall give notice to the persons elected delegates to said convention, in the same manner that is provided for giving notice to persons elected to the Senate and House of Representatives of this commonwealth, by the sixteenth section of an act of the fifteenth February, seventeen hundred and ninety-nine, entitled "An act to regulate the general elections within this commonwealth."

SECTION 4. In the event of the absence of any of the said inspectors, judges or clerks, such vacancies shall be filled by the election or appointment, as the case may be, of other persons, to act as inspectors, judges or clerks, in the manner provided by the general election laws of this commonwealth.

SECTION 5. It shall be the duty of the Secretary of the Commonwealth, on receiving the returns of the elections held on the said first Friday in November next, for delegates to the said convention, from the respective sheriffs, to submit the same to the Governor, who, upon summing up and ascertaining the number of votes given for each and every person so returned as voted for as delegate, shall thereupon declare, by proclamation, the names of the persons duly chosen and elected delegates to the convention.

SECTION 6. It shall be the duty of the delegates elected as aforesaid, to assemble at the state capitol at Harrisburg, on the first Tuesday of May, eighteen hundred and thirty-seven, and organize by electing a president, and in case of the death or resignation of any of the members of said convention, the president thereof shall issue his writs of election, directed to the sheriff of the proper county, directing an election to be held to fill such vacancy or vacancies, in the same manner that is provided for supplying vacancies in the Senate and House of Representatives, and after the said convention shall have so organized, from whence they may, if they think proper, adjourn to any other place and proceed to the execution of the duties assigned them; and when the amendments shall have been agreed upon by the convention, the constitution as amended shall be engrossed and signed by the officers and members thereof, and delivered to the Secretary of the Commonwealth, by whom, and under whose direction, it shall be entered of record in his office, and be printed as soon as practicable, once a week in at least two newspapers published in each county in which two or more newspapers are printed, and in all the papers in each county where not more than two are printed, and in at least six newspapers in the city of Philadelphia: *Provided*, That in each county in which there is a German paper printed, said paper shall be selected by the Secretary as one of the papers in which the amended constitution is to be printed, until the day of the election that shall be held for the adoption or rejection of the amendments submitted.

Residence of delegates. SECTION 7. No delegate shall be elected to represent any other district than that in which he shall have resided for one whole year next preceeding the election.

Manner of adopting or rejecting the amendments. SECTION 8. For the purpose of ascertaining the sense of the citizens on the expediency of adopting the amendments so agreed upon by the convention, it shall be lawful for said convention to issue a writ of election, directed to the sheriff of each and every county of this commonwealth, commanding notice to be given of the time and manner of holding an election for the said purpose, and it shall be the duty of the said sheriffs respectively to give notice accordingly; and if said election shall not be held on the day of holding the general election, it shall be the duty of the judges, inspectors and clerks of the last preceeding general election, in each of the townships, wards and districts of this commonwealth, to hold an election in obedience to the directions of the said convention, in each of the said townships, wards and districts, at the usual place or places of holding the general elections therein, and it shall also be the duty of the said judges and inspectors, to receive at the said election, tickets, either written or printed, from citizens qualified to vote, and to deposit them in a box or boxes, to be for that purpose provided by the proper officers, which tickets shall be labelled on the outside "amendments," and those who are favourable to the amendments, may express their desire by voting each a printed or written ticket or ballot, containing the words "For the amendments," and those who are opposed to such amendments, may express their opposition by voting each a printed or written ticket or ballot, containing the words "Against the amendments;" and a majority of the whole number of votes thus given for or against the amendments, when ascertained, in the manner hereinafter directed, shall decide whether said amendments are or are not thereafter to be taken as a part of the constitution of this commonwealth: *Provided however,* That if the said convention shall declare it to be most expedient to submit the amendments to the people in distinct and separate propositions, it shall be the duty of the said judges, inspectors and clerks, to receive ballots prepared accordingly, or in any way which said convention may direct.

Proviso

Election on the amendments. SECTION 9. The election on the said proposed amendments shall in all respects be conducted as the general elections of this commonwealth are now conducted, and it shall be the duty of the return judges of the respective counties thereof, first having carefully ascertained the number of votes given for or against the said amendments, in the manner aforesaid, to make out duplicate returns thereof, expressed in words, at length, and not in figures only, one of which returns so made, shall be lodged in the prothono-

Returns

tary's office of the proper county, and the other sealed and directed to the Secretary of the Commonwealth, which shall be by one of the said judges delivered to the sheriff, with the other returns required by law to be delivered to the Secretary of the Commonwealth.

SECTION 10. It shall further be the duty of the Secretary of the Commonwealth, on receiving the returns of the election for and against the amendments proposed by the convention, to deliver the same to the Speaker of the Senate, on or before the first Thursday of the next session of the Legislature, after said returns shall so be received, who shall open and publish the same, in the presence of the members of the Senate and House of Representatives, on the next Tuesday thereafter; and when the number of votes given for, and the number of votes given against the said amendments shall have been summed up and ascertained, duplicate certificates thereof shall be signed by the Speaker of the Senate, one of which shall be filed in the office of the Secretary of the Commonwealth, and the other delivered to the Governor, whose duty it shall be to declare, by proclamation, whether the said amendments have been or have not been adopted by the freemen of this commonwealth.

SECTION 11. The delegates to the said convention shall be entitled to the same pay and mileage to which members of the general assembly are now entitled, which, together with the pay of a competent stenographer to report the debates of the said convention, and the contingent expenses of the convention, shall be paid by the State Treasurer, on the warrant of the presiding officer of the convention; and it shall be the duty of all officers of this state, and of the State Librarian, to furnish the said convention with such books and papers in their possession, as the said convention may deem necessary.

SECTION 12. Immediately after the final passage of this act, it shall be the duty of the Secretary of the Commonwealth to furnish the sheriff of each respective county in the state with a copy of said act, requiring him to issue his proclamation, to be inserted in at least two newspapers published in each county in which two or more newspapers are printed, and in all the papers in each county where not more than two are printed, once a week for four successive weeks previous to the first Friday in November next, directing the inspectors, judges and clerks of the preceding general election to attend at the proper times and places, and perform the duties imposed upon them by the third section of this act, and stating the object of said election, and the number of delegates to be chosen in said county, and the said inspectors, judges and clerks, shall receive the like compensation for any special election, to be paid them

in like manner, as is provided by law for holding general elections.

NER MIDDLESWARTH,  
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,  
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Domini,  
one thousand eight hundred and thirty six.

JOS. RITNER.

No. 71.

## An Act

To enable the Governor to incorporate "The Water Works company of the Northern Liberties of Pittsburg."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Alexander Ingram, James Blackely, W. H. Tottany, John H. Shoenberger, Mark Lowrey, John H. Ralston, William Bayne, D. P. Ingersoll, Wilkins M. Nair, Robert Glass, Esq., William Sutch, E. H. Hasting, and Ethrington Appleton, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say: they, or any three of them, shall procure a book or books, and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Water Works company of the Northern Liberties of Pittsburg, the sum of fifty dollars for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the said president and managers, in pursuance of an act of the general assembly, entitled 'An act to enable the Governor to incorporate the Water Works company of the Northern Liberties of Pittsburg;' Witness our hands the        day of        in the year of our Lord, one thousand eight hundred and thirty-        ,"* shall thereupon give notice in two or more of the public newspapers printed.

Commissioners appointed  
to open  
books, etc.

Shares \$50  
each, and  
from of sub-  
scription.