**125th Anniversary of Superior Court**

**Luzerne County**

**October 22, 2020 • 12:00 p.m.**

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**Case Presentation: P.J.E. Correale Stevens and P.J. Jack Panella**

***Wilkes-Barre v. Garabed***, an 1899 case decided by the Superior Court

**Wilkes-Barre Ordinance, Section 8**

It shall not be lawful for any person or persons to appear in any of the public streets or places in said city to play upon any hand-organ, hurdy-gurdy, tambourine, or other musical instruments, or beat upon a drum, or blow a horn or trumpet, without a permit from the Mayor, and any such permit may be revoked by the Mayor whenever he may deem it expedient. And whoever appears in any of the streets, alleys or public places, to play, beat or blow upon either of such instruments without such permit, shall be liable to a fine of not less than two dollars nor more than twenty dollars.

The High Constable or any policeman shall have the right to demand for examination the permit of any person so playing, beating or blowing. And no hand-organ shall be played more than one hour in any one day in any part of a public street between the same two cross streets, nor more than twenty minutes in front of the same premises, under a penalty of two dollars for each offence.

**Fourteenth Amendment of the Constitution of the United States**

Amendment XIV

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**Article One of the Constitution of Pennsylvania**

Article I • Section 3.

**Religious Freedom**

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

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Article I • Section 26

**No Discrimination by Commonwealth and Its Political Subdivisions**

Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right.

**The Constitution of Pennsylvania – September 28, 1776**

**A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE COMMONWEALTH OR STATE OF PENNSYLVANIA**

**I.** That all men are born equally free and independent, and have certain natural, inherent and inalienable rights, amongst which are, the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.

**II.** That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understanding: And that no man ought or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any ministry, contrary to, or against, his own free will and consent: Nor can any man, who acknowledges the being of a God, be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments or peculiar mode of religious worship: And that no authority can or ought to be vested in, or assumed by any power whatever, that shall in any case interfere with, or in any manner controul, the right of conscience in the free exercise of religious worship.