

## CHAPTER MMV.

1799.

*An ACT to erect the town of Greensburgh, in the county of Westmoreland, into a borough.*

SECT. 1. [GREENESBURGH erected into a borough. Its boundaries. 2. Who may elect, and who may be elected borough officers. 3. Manner and time of holding and certifying the borough elections. 4. Powers of the borough officers. Limitation of the amount of taxes to be assessed. Proceedings to regulate the same. 5. The borough incorporated, by the name of "The Burgesses and Inhabitants of the borough of Greensburgh, in the county of Westmoreland," with the usual corporate powers. 6. Provision for erecting a market-house. 7. Penalty for refusing to serve in borough offices. 8. Qualifications of the borough officers.]

Passed 9th February, 1799.—Recorded in Law Book No. VI. page 322.

## CHAPTER MMIX.

*An ACT to regulate the general elections within this commonwealth.*

SECT. I. *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 the general elections within this commonwealth shall be held and conducted by Judges, Inspectors, and Clerks, to be chosen and appointed as is herein after directed; and no person shall be admitted to vote at any general or special election, or for Inspectors thereof, other than citizens of this state of the age of twenty-one years or more, and who have resided therein two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election; provided, that the sons of citizens qualified as aforesaid, between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes; and every citizen, having paid taxes and resided as aforesaid, and claiming a right to vote, shall make due proof thereof as follows, viz. First, That he is a natural born citizen of this state, or was settled therein on the twenty-eighth day of September, one thousand seven hundred and seventy-six; or having been a foreigner, who since that time came to settle therein, he hath taken an oath or affirmation of allegiance to the same on or before the twenty-sixth day of March, one thousand seven hundred and ninety, agreeably to the then existing constitution and laws; or, Secondly, That he is a natural born citizen of some other of the United States, or had been lawfully admitted or recognized as a citizen of some one of the said states on or before the twenty-sixth day of March, one thousand seven hundred and ninety; or, Thirdly, That, having been a foreigner or alien, he hath been naturalized conformably to the laws of the United States. That as evidence of his having been naturalized agreeably to the laws of the United*

Who may  
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tions.

What are  
the rights of  
citizenship.

How citizen-  
ship shall be  
proved,

States, he shall produce a certificate thereof, under the seal of the court wherein such naturalization took place; that as evidence of his being a natural born citizen of this state, or resident therein on the twenty-eighth day of September, one thousand seven hundred and seventy-six, or a natural born citizen of some other of the United States, if required by any Inspector or Judge of the election, he shall be examined on his oath or affirmation; that as evidence of his having taken an oath or affirmation of allegiance to this state on or before the twenty-sixth day of March, one thousand seven hundred and ninety, or of having been lawfully admitted or recognized as a citizen of some other of the United States on or before the said day, if required by any Inspector or Judge of the election, he shall produce a certificate in due form from some Judge, Prothonotary, or Clerk of a Court, Mayor, Alderman, Recorder, or Justice of the Peace, or shall be examined on his oath or affirmation; and if by such certificate or examination as aforesaid it shall appear that he is a citizen of this state, qualified to elect, agreeably to the provisions of this act, his vote shall be received by the Inspector of the township, ward or district, in which he resides.

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SECT. II. *And be it further enacted by the authority aforesaid,* That the Inspectors of the general election shall be chosen by ballot, on the [Saturday] next preceding the first Tuesday in October, in each and every year, at such place in each town, township, ward or district, as the citizens have generally met at for that purpose, public notice of which shall be given by the Constable or Constables, by six or more written or printed advertisements, affixed at as many of the most noted and public places therein, at least one week before the said day; and the election shall be opened between two and three o'clock in the afternoon by the said Constable or Constables, to be assisted by two qualified citizens, chosen by such citizens qualified to vote as shall be then present, and the said Constable or Constables and assistants shall be judges of the qualifications of the citizens residing within the said town, township, ward or district, who shall offer their votes for Inspector, and shall conduct the said election in a fair and impartial manner, and keep the same open until six o'clock in the same afternoon, when the poll shall be closed, the number of votes ascertained, and the person highest in votes publicly declared; and the said Constable and assistants shall make out duplicate certificates of the said election, under their hands, one of which shall be delivered to the person chosen, or left at his usual place of abode by the said Constable, within two days thereafter, and the other he shall deliver to the agents appointed for opening the general election at the place and on the day appointed for holding the same, at nine o'clock in the forenoon; the qualified citizens of the township of the Northern-Liberties and the district of Southwark shall, respectively, choose each two Inspectors, and each and every town, township, ward or district, shall each choose one Inspector; and if any Constable shall neglect or refuse to perform the duties herein required of him, he shall forfeit the sum of fifty dollars; and in case of the neglect, refusal, death or absence from the county of any Constable or Constables, the Overseers of the Poor of the township, ward or district, except in such township, ward or

How and when Inspectors shall be elected.

[See note.]

The return of such elections.

Number of Inspectors to be elected.

Penalty on Constables who refuse or neglect, and who shall act in the instead.

1799. district, where there shall be no Overseer of the Poor, in such case the Supervisors of the highways, shall perform the duties herein required to be done by the Constable or Constables, under the like penalties, except that the said Overseers or Supervisors of the highways shall not be required to give more than four days notice of the time and place for holding the said election.

The respective Courts of Common Pleas shall appoint agents to attend at the places of election.

The duty of such agents.

(Repealed.)

How their appointment shall be notified.

Penalty if the agents neglect their duty.

Of the Inspectors, Judges and Clerks of the election.

[SECT. III. *And be it further enacted by the authority aforesaid,* That the courts of Common Pleas for the several and respective counties in this commonwealth shall, at their term held next before the third Monday in September, in each and every year, appoint two Justices of the Peace or other qualified citizens residing in each election district, if the county is divided into election districts, but if not, then two such persons for the county at large, as agents, whose duty it shall be to attend at the place appointed for holding the election for the district or county for which they are appointed, at nine o'clock in the forenoon of the day of election, to receive from the several Constables the returns of the persons chosen Inspectors; to swear or affirm the said Inspectors, Judges of election and Clerks, and to read, or cause to be read, the first, fifth, seventh and ninth sections of this act, and such other parts thereof, as in their judgment are necessary for the information of the Judges, Inspectors and Clerks, previous to the opening of the said election; and shall also deliver to the said Inspectors the list of taxables and blank forms or returns, which shall have been delivered to them, or either of them, by the County Commissioners, agreeably to the directions of this act; and the Prothonotaries of each county shall, within three days after the appointment of such agents has been made, deliver a certified transcript of the said appointments to the Sheriff of the county, who shall serve a copy of the same on each of the said agents at least ten days before the day of election; and if any of the said agents shall neglect to attend at the place of election for which he shall be appointed, by nine o'clock in the forenoon of the day of election; or refuse to take upon him and perform the duties by this act required, he shall forfeit and pay the sum of fifty dollars, unless he render a sufficient reason for non-attendance to the next Court of Common Pleas of the proper county, who are hereby authorized to enquire into the same, and determine accordingly; and in case neither of the said agents should attend as aforesaid, then any alderman or Justice of the Peace who may be present shall administer the oaths or affirmations required to be taken by the Inspectors, Judges and Clerks; but if no Alderman or Justice of the Peace be present, then one of the Judges of the election shall administer the same.]

SECT. IV. *And be it further enacted by the authority aforesaid,* That the Inspectors chosen as aforesaid shall meet at nine o'clock in the forenoon of the day of election, at the places respectively appointed for holding the same for the district or county to which they belong, and they, or a majority of them, shall choose and take to their assistance, for the city of Philadelphia, seven, and for any other district not less than three, nor more than five respectable citizens, qualified to vote, who shall be Judges of the election in the said city or districts respectively; and the Judges and Inspec-

tors chosen in the manner directed by this act shall be forthwith sworn or affirmed by one of the said agents, or other person authorized, and shall appoint such and so many Clerks of the election (being severally of the age of twenty-one years or more) as they shall deem necessary, who shall in like manner be sworn or affirmed agreeably to the directions of this act;\* and as soon as the Inspectors, Judges and Clerks shall be severally sworn or affirmed as aforesaid, the said Clerks, or some of them, shall make out two copies of the forms of the several oaths or affirmations, which shall be severally subscribed by all the said Inspectors, Judges and Clerks, and the said forms shall be certified under the hands and seals of the attending agent or agents, or other persons who shall administer the said oath or affirmation, and at the close of the election one of the said forms shall be sealed up in one of the boxes, with the tickets, lists of voters and tally papers, and the other shall be transmitted to the Prothonotary of the county, to remain on file in his office. 1799.

(\* See note.)

SECT. V. *And be it further enacted by the authority aforesaid,* That the following shall be the form of the oath or affirmation to be taken by each Inspector, viz. "I, A. B. do swear (or solemnly, sincerely and truly declare and affirm) that I will duly attend the ensuing election, during the continuance thereof, as an Inspector, and that I will not receive any ticket or vote from any person or persons, other than those I shall firmly believe are, according to the provisions of the act entitled "An Act to regulate the general elections within this commonwealth," entitled to vote at the said election, without requiring such evidence of their right to vote as is directed to be given by the said act; nor will I vexatiously delay or refuse to receive any vote from any person I shall believe is entitled to vote as aforesaid, but will in all things truly, impartially and faithfully perform my duty therein, to the best of my judgment and abilities." And the following by each Judge, viz. "I, A. B. do swear (or solemnly, sincerely and truly declare and affirm) that I will, as one of the Judges, duly attend the ensuing election, during the continuance thereof, and faithfully assist the other Judges and Inspectors in carrying on the same; that I will not give my consent that any vote or ticket shall be received from any person or persons, other than those I shall firmly believe are, according to the provisions of the act, entitled "An Act to regulate the general elections within this commonwealth," entitled to vote at the said election, without requiring such evidence of their right to vote as is directed to be given by the said act; and that I will use my best endeavours to prevent any fraud, deceit or abuse, in carrying on the same by citizens qualified to vote or others; and that I will make a true and perfect return of the said election, and in all things truly, impartially and faithfully perform my duty respecting the same, to the best of my judgment and abilities." And the following by each Clerk, viz. "I, A. B. do swear, (or solemnly, sincerely and truly declare and affirm) that I will impartially and truly write down the name of each elector, who shall vote at the ensuing election, which shall be given me in charge, and also the name of the town, township, ward or district, wherein such elector resides, and carefully

The Inspectors qualification.

The Judges qualification.

The Clerks qualification.

1799. and truly write down the number of votes that shall be given for each candidate at the election, as often as his name shall be read to me by the Judges thereof, and in all things truly and faithfully perform my duty respecting the same, to the best of my judgment and abilities."

The county Commissioners shall deliver lists of the taxable inhabitants to the agents of election, and blank forms,

to be distributed at the place of election.

Provision, in case an election district is divided.

Penalty, if the Inspectors do not attend, and how vacancies shall be supplied.

Where the Inspectors shall sit, and how the place shall be designated.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the Commissioners of the several counties within this state shall, at least three days before the second Tuesday in October, in every year, deliver, or cause to be delivered, to one of the agents appointed for the proper county or district, as the case may be, a separate alphabetical list of the names and surnames of all the male taxable persons of each ward, borough and township, inhabiting within the same, who have been assessed for a state or county tax at least six months before that day; and also a sufficient number of blank forms and returns made out in a proper manner, and headed as the nature of the election may require, which lists, forms and returns, shall be delivered as aforesaid, under the penalty of fifty dollars on each of the Commissioners for every neglect thereof; and it shall be the duty of the agent, to whom the said lists, blank forms and returns, are delivered, to take the same with him to the place of election, and distribute them to the proper Inspectors, previous to the opening of the said election, or if it should so happen that the agent, with whom the said lists, forms and returns, are left, should be unable to attend the said election, he shall cause the same to be delivered as aforesaid, under the penalty of one hundred dollars.

SECT. VII. *And be it further enacted by the authority aforesaid,* That where any township or townships within this commonwealth hath or have been divided, or hereafter shall be divided, in forming any election district, the electors within each part of such divided township or townships respectively shall choose one Inspector, who shall, within the part for which he is chosen, perform all and singular the duties to the office of Inspector belonging, and in order thereto, the commissioners of the proper county shall furnish the Inspector and Inspectors so chosen with a list of the taxable inhabitants within such divided township and townships, for which they are respectively chosen; and if any Inspector shall not attend at the proper place of the election on or before nine o'clock of the morning of the day of the election, such delinquent shall forfeit and pay the sum of fifty dollars, provided he hath had due notice of his election; and every vacancy that shall happen by any delinquency shall be supplied by the qualified electors of the township, ward or district, then present at the time aforesaid, or, if they neglect to make such appointment, the Judges shall make the same; and if any person so chosen to supply the place of any Inspector shall neglect or refuse to perform the duty of Inspector, he shall forfeit and pay a like sum of fifty dollars.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That in receiving the tickets from the electors at the place of election, the number of Inspectors who shall sit at each door or window of the house where the election shall be holden shall be determined by a majority of the Judges of such election; and that over or near to such door or window the name of the town, township,

ward or district, whose Inspector or Inspectors shall be there placed, shall be written or printed, in large and legible characters, in such manner that the electors dwelling within the several and respective townships, wards or districts, may readily find their Inspector or Inspectors, in order to deliver to him or them their tickets, as aforesaid.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the Inspector shall not receive any votes or tickets from any person or persons whatever, other than the electors residing within their several townships, wards or districts, and that the name and abode of each elector, whose ticket shall have been received, shall be called out aloud by the Inspector who shall receive the same, and shall be entered by at least two Clerks in separate lists, and the name repeated by them; and the name shall also be marked in the alphabetical list of the proper township, ward or district, by the Inspector inserting the letter *v* in the margin of such list, opposite to the name of such elector who has voted; but if such elector shall have been sworn or affirmed, or have produced a certificate, or such evidence of naturalization as is required by this act, the Inspector shall also note the same in the margin of such list; and no person shall be admitted to vote, whose name is not inserted in the list of taxable inhabitants furnished by the commissioners, unless he produce a receipt for the payment of a state or county tax assessed agreeably to the constitution, or give other satisfactory evidence, either on his own oath or affirmation, or otherwise, that he hath paid such a tax; or if he claims a right to vote by being the son of an elector, and that he is between the ages of twenty-one and twenty-two years, he shall depose, on oath or affirmation, that he does verily believe, from the accounts given him, that he is of the age aforesaid, or give such other evidence as may reasonably be required, or as shall be satisfactory to the said Inspector and Judges of the said election; whereupon the name of the person so admitted to vote shall be inserted in the alphabetical list by the Inspector, and a note made opposite thereto, by writing the word "tax," if he has been admitted to vote on proof of his having paid a tax, or the word "age," if he has been admitted to vote on account of his age, and the reason of such vote shall be called out to the clerks, who shall make the like notes in the list of voters kept by them.

From whom, and how, tickets shall be received.

Time of opening and closing the election.

How ballots shall be made out, and delivered.

SECT. X. *And be it further enacted by the authority aforesaid,* That every general and special election to be holden within this Commonwealth shall be opened between the hours of ten and twelve in the forenoon, and shall continue, without interruption or adjournment, until the electors who shall come to the said election shall have full opportunity to give in their respective votes; and every voter may deliver written or printed tickets, as he shall see cause, but on separate pieces of paper, as followeth; in one ticket the name of a person for Governor, in one other ticket a Senator or Senators, as the case may be, in one other ticket a Member or Members of the House of Representatives, in one other ticket Sheriffs and Coroners, in one other ticket one or more county commissioners, and in one other ticket one or more Directors of the Poor, for such counties where they may be necessary, as the case may be. And the sever-

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ral electors shall separately fold up their respective tickets, turning out to view, or indorsing on the outside of one of the folds thereof, the names of office only, and shall thus give their votes secretly; and the same tickets, and no other, being received by the proper Inspector, shall be deposited by him in separate boxes, kept for that purpose, till the poll be closed; and if any Judge of the election, Inspector, or other person, before the polling of the tickets be closed, shall unfold, open, or pry into any such ticket, with design to discover the names of the candidates therein, every person, so offending, shall forfeit and pay the sum of fifty dollars to the party grieved, to be recovered, with cost, by bill, plaint or information, in any Court of Record; and if any elector shall offer any more than one ticket of each kind before specified, with a fraudulent design, every such person shall forfeit and pay the sum of twenty dollars for every such offence, and shall moreover forfeit his vote at such election.

Penalty on offering more than one ticket.

How the votes shall be counted and tallied.

SECT. XI. *And be it further enacted by the authority aforesaid,* That when the poll shall be closed, the aforesaid boxes, wherein the folded papers or tickets are deposited, shall be opened, one by one, and the Judges, in the presence of the Inspectors, shall deliberately take out the said papers or tickets, and read aloud the name or names written or printed thereon, respectively, whilst two or more of the clerks shall carefully enter and keep account of the same, on paper prepared for that purpose, so that the number of votes for each candidate tallied thereon may be readily cast up and known; but if upon opening any of the said tickets there be found any more names written or printed on any of them than there ought to be, or if any two or more of such papers be deceitfully folded together, such tickets shall be rejected, and not counted among the votes.

What votes shall be rejected.

How returns shall be made out, when, and where delivered, if the county is divided into districts.

SECT. XII. *And be it further enacted by the authority aforesaid,* That as soon as all the votes shall be read off and counted, the Judges of each district, in case the county be divided into districts, shall make out, under their hands, a fair state and certificate of the number of votes which shall have been then and there given for each candidate, distinguishing the station or office he was voted for, which numbers shall be expressed in words at length, and not in figures only; and one of the said Judges shall take charge of such certificate, and on the fourth day after the day of election produce the same in a meeting of one Judge from each district within the same county, at the Court-house, and for the city and county of Philadelphia at the State-house, for which service he shall be allowed, out of the county Treasury, ten cents for every mile he shall necessarily have travelled in coming from his proper election district to the said Court-house, and in returning from thence to his own home; and the Judges of the several districts of the county, so met, shall add together the number of votes which shall appear to be given for any person or persons, who shall thereupon be found to be highest in vote or elected as Representatives, Senator, or other officer, and shall forthwith make out duplicate returns of the election of such person or persons, as shall be so elected and chosen for any office or station, which the electors of the said county are

entitled to choose of themselves, unconnected with any other county or district; and when a Governor is to be chosen, like returns of all the votes given for any person or persons for Governor; and having lodged one of each of the said returns in the office of the Prothonotary of the county, shall inclose, seal and direct the others, when the same relates to the choice of a Governor, to the Speaker of the Senate; when to the election of a Senator or Senators, to the Senate; when to a Member or Members of the House of Representatives, to the House of Representatives; when to Sheriffs or Coroners, to the Secretary of the commonwealth; when to a commissioner or commissioners for the county, to the clerk of the Court of Quarter Sessions of the said county. And one of the said Judges shall deliver the returns, so sealed and directed, to the Sheriff of the county, endorsing thereon the time of delivering the same; and the said Sheriff shall, within five days thereafter, cause the return directed to the clerk of the Court of Quarter Sessions to be delivered agreeably to the said direction; and having received the returns of any district for the election of a Senator or Senators, or one or more Members of the House of Representatives, which may by law be directed to be completed and made out within the said county, for the same election, the said Sheriff shall forthwith, by himself or his deputy, transmit the whole of the said returns to the Secretary of the commonwealth, so that the same shall be delivered into the Secretary's office within twenty days after the last of the returns shall have been received by the said Sheriff; in which case, and not otherwise, he shall be entitled to receive from the State Treasury, on warrants drawn by the Governor, ten cents for every mile he shall necessarily travel in going from and returning to his proper county.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That in the city of Philadelphia, and in any county where the election shall be holden only at one place, the returns thereof shall be made without delay, in like manner as is herein directed, as nearly as the different circumstances shall permit; and when two or more counties shall compose a district for the choice of one or more Members of the Senate or House of Representatives, the Judges of the election in each county, having met as aforesaid at their Court-house, shall make out a fair statement, under their hands, of all the votes which shall have been given at the said election, within their county, for any person or persons, as a Member or Members of the Senate or House of Representatives, as the case may be, and one of the said Judges shall take charge of such certificate, and produce the same in a meeting of one Judge from each county, at such place in the said district as is or shall be appointed by law for that purpose, on the seventh day after the election: and the said Judges shall then and there cast up the several county returns, and make duplicate returns of the person or persons chosen for the said district; and one of each of the said returns, if there shall be more than of one kind, shall be deposited in the Prothonotary's office of the county in which they meet, and the other delivered to the Sheriff of the said county, sealed and directed as is herein before prescribed, and the day on which the same is so delivered shall also be endorsed thereon; and each Judge, who shall attend to make out the said

How the returns shall be made out, when and where returned, if there is only one place of election in the city or county.



1799. district return, shall be allowed out of the Treasury of his proper county ten cents for every mile he shall necessarily travel in performing that service; and such of the returns delivered as aforesaid to the Prothonotary of each county, as shall certify the election of a commissioner or commissioners of the proper county, shall be by the said Prothonotary laid before the Court of Quarter Sessions, which shall order the same to be recorded according to law; and each Prothonotary within this commonwealth shall, as soon as all the other returns herein required are delivered into his office, make out a copy thereof, and certify the same, and shall forthwith transmit the said copy, under a sealed cover, directed to the Secretary of the commonwealth, by placing the same in the nearest Post-office.

The proper Sheriff shall give twenty days notice of the election.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Sheriffs of each and every county of this State to give public notice, by advertisements posted up in the most public places in each district, or by publication in one or more newspapers of the counties respectively, at least twenty days before the general election, that such election is to be held; and he shall enumerate in the advertisements aforesaid what officers are to be elected; and in case of neglect of such notice by the Sheriff of any county, he shall pay a fine of two hundred dollars.

How writs of election to supply vacancies in the Legislature, shall issue, be executed, and returned.

SECT. XV. And whereas the nineteenth section of the constitution of this State provides, that when vacancies happen in either House, the Speaker shall issue writs of election to fill up such vacancies: Therefore, *Be it enacted,* That when in consequence of any vacancy, by death, resignation or otherwise, in the House of Representatives, the Speaker of the House of Representatives shall issue his writ, he shall therein command the Sheriff of the proper county, or other person to whom such writ may be directed, on a day certain, and therein particularly expressed, to hold an election to supply such vacancy; and when in consequence of any vacancy in the Senate, by death, resignation or otherwise, the Speaker of the Senate shall issue his writ to the Sheriff or Sheriffs of the county or counties of which the district is composed, or other person or persons to whom such writ may be directed, he shall therein command such person or persons, on a day certain, and therein particularly expressed, to hold an election to supply such vacancy; and when such vacancy shall happen in either House during the session of the General Assembly, or when the same shall be required by their own adjournment, or by the Governor, to meet at some time previous to the next succeeding general election, the Speaker of the House wherein such vacancy shall happen, shall appoint a time, as early as may be convenient, for holding an election to fill the said vacancy; but if such writ shall be issued during the recess of the General Assembly, and when the same shall not be required to meet before the next succeeding general election, the Speaker issuing such writ shall direct the election to be held at the time appointed for holding the general election: *Provided always,* That if after issuing of such last mentioned writ, the Governor shall at any time issue his proclamation for convening the General Assembly, the Sheriff, or other person to whom the said writ shall be directed

shall in that case proceed to execute the same, by holding the election within thirty days after the date of such proclamation: *And provided further*, That such writ, so issued by the Speaker of the House of Representatives and Senate, respectively, shall be delivered to the Sheriff, or other person to whom the same may be directed, at least fifteen days before the day appointed for such election, who shall forthwith give due and public notice thereof throughout the county, at least ten days before such election, and shall send a copy thereof to each of the Judges, or to one of the Judges of each district therein, in case such county or counties be divided for the purposes of election; and such elections shall be holden and conducted in like manner as is herein before directed, and the Judges and Inspectors chosen for and before the next preceding general election shall attend at and serve as such, respectively, at such occasional elections.

SECT. XVI. *And be it further enacted by the authority aforesaid*, That the Judges of the elections, who shall meet at their respective Court-house, or other place appointed by law, to compare the several lists and certificates, and to cast up the number of votes for each candidate, shall give notice in writing to each Member of the House of Representatives and Senate, who shall be elected, and reside in their respective districts, within ten days next after the day of making up the return.

How notice shall be given to persons elected.

SECT. XVII. *And be it further enacted by the authority aforesaid*, That all elections shall be free and voluntary, and that any elector who shall receive any gift or reward for his vote, in meat, drink, monies or otherwise, shall forfeit his right to elect for that time, and shall also forfeit and pay any sum not exceeding fifty dollars, and suffer imprisonment for a time not exceeding the term of six months, as the court of the proper county wherein such offender shall be convicted shall, upon due consideration of the case, think proper to award against him; and if it be made to appear to the satisfaction of the proper court, that at any election to be holden under this act any intimidation, threats, force or violence, hath been used or practised, with design to influence unduly, or to overawe, such election, or to restrain the freedom of choice, or if any officer of the election shall be threatened, or violence used to his person, or interrupted in the execution of his duty, every person who shall be guilty of such intimidation, threats, violence or interruption, being convicted thereof, shall be fined and imprisoned for the same, at the discretion of the court, not exceeding six months imprisonment, nor exceeding one hundred dollars fine; and any person who shall bribe as aforesaid, or who shall promise or attempt, either directly or indirectly, to give or bestow any reward as aforesaid, in order to procure any person to be elected, shall, upon conviction thereof, be liable to a fine and imprisonment, at the discretion of the court, within the limitations next before mentioned.

Elections shall be free and voluntary, and how electors shall be punished, who take reward for their votes.

SECT. XVIII. *And be it further enacted by the authority aforesaid*, That if any person who is not qualified to vote in this state, agreeably to the provisions of this act, (except the sons of qualified citizens,) shall appear at any place of election, for the purpose of issuing tickets, or of influencing the citizens qualified to vote every

Penalty on non-qualified persons interfering at elections.

1799. person interfering in the manner aforesaid shall forfeit and pay any sum not exceeding thirty dollars for every such offence.

The Govern-  
er to judge  
of the elec-  
tion of Sher-  
iffs and Cor-  
oners;  
his powers  
therein.  
(Repealed,  
see note.)

[SECT. XIX. *And be it further enacted by the authority aforesaid,* That the Governor shall be a competent judge of the election of every person, who shall be returned to serve as Sheriff or Coroner, and for that purpose may send for papers, persons or records, and may summon and compel witnesses to appear before him, and examine them upon oath or affirmation, or at his discretion may direct the examination of such witnesses, who dwell forty miles or more from the seat of government, to be taken in writing, by commissioners appointed by him for that purpose; provided opportunity be given to the parties to be present, and to examine and cross examine the said witnesses.]

Punishment  
of perjury  
under this  
act;

SECT. XX. *And be it further enacted by the authority aforesaid,* That if any person, in taking an oath or affirmation required by this act shall be guilty of wilfully and corruptly making a false oath or affirmation, or if any person shall suborn any other person to make any such false oath or affirmation, and be convicted thereof by a jury of the proper county, every such person, so offending as aforesaid, shall suffer such penalties and disabilities, as are incurred on conviction of wilful and corrupt perjury, or subornation of perjury, respectively; and if any person shall knowingly publish, utter, or make use of any forged or false receipt or certificate, with intent to impose the same upon or to deceive any Judge or Inspector, at any election, such person shall incur a fine of fifty dollars, and suffer six months imprisonment.

of forging or  
publishing  
certificates.

The commis-  
sioners of the  
proper coun-  
ty shall pro-  
vide suitable  
ballot boxes.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That the commissioners of the proper county shall out of the county stock, provide sufficient and suitable boxes for depositing the tickets taken in by the Inspectors of the several districts, and, after the election shall be finished, the same boxes shall be given in charge to some Justice of the Peace of the neighbourhood, to be kept till the next election.

Where to be  
deposited.

Election  
tickets and  
papers how  
to be collect-  
ed, secured  
and deposit-  
ed.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That as soon as any election shall be finished, the tickets, lists of taxables, one of the lists of voters, tally-papers, and one of the certificates of the oath or affirmation taken and subscribed by the Inspectors, Judges and Clerks, shall be all carefully collected, and deposited in one or more of the boxes herein before mentioned, and the box or boxes, being closely bound around with tape, shall be sealed by two or more of the Judges of the election, and one or more of the Inspectors, and shall be delivered to the nearest Justice of the Peace of the county, to be kept by him, to answer, if need be, the call of the joint or separate committees of the Senate and House of Representatives, who may be appointed to try the merits of any such election; and if any Judge of the election, Inspector, Clerk, or other person shall deface, alter, embezzle or destroy any of the said tickets, lists or tally-papers, or certificates, such person, so offending, shall forfeit and pay the sum of three hundred dollars for every such offence to the person who shall, within the space of six months thereafter, sue for the same, by action of debt, in any Court of Record, and suffer imprisonment for a term not exceeding twelve

Penalty on  
altering, de-  
facing, or  
embezzling  
them.

months; and any such Justice, who shall refuse to receive the said box or boxes, or having received the same, shall neglect the safe-keeping thereof, shall forfeit and pay two hundred dollars, for every such neglect or refusal; and the other lists of voters, tally-papers and certificates, shall be inclosed by the said Judges in a sealed cover, directed to the Prothonotary of the county, and shall, by some one of them, be delivered into his office, where the same shall be filed; and it shall be the duty of the Prothonotary to give a certified copy of the said lists to any person or persons applying for the same, on payment of the usual fees, as in other cases.

1799.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That if any Judge of election, Inspector or Clerk, acting under this act, shall be duly convicted of any wilful fraud in the discharge of the duties enjoined upon or required of him by this act, he shall forfeit a sum not less than one hundred nor more than five hundred dollars, and shall be for seven years disabled from holding any office of honour, trust or profit, in this commonwealth; and such person shall be moreover disabled, for the term aforesaid, to elect or give his vote at any general or special election to be holden within this state; and if any person appointed to be Judge of election, Inspector or Clerk, at any of the elections directed and regulated by this act, shall neglect or refuse to take upon himself the duties appointed therein, or having taken upon himself the said duties, shall afterwards neglect to do and perform the same in the manner by this act required, he shall forfeit and pay any sum not less than fifty, nor more than one hundred dollars for every such offence; and if any Prothonotary or Sheriff shall neglect or refuse to do and perform the duties enjoined upon them, in the manner required by this act, or shall wilfully misbehave in the doing thereof, he or they shall forfeit and pay any sum not exceeding five, nor less than two hundred dollars, and suffer imprisonment for any term not exceeding six months; and each of the Agents, Judges, Inspectors and Clerks, whilst employed in the duties required of them by this act, shall receive for his services and expenses the sum of one dollar and fifty cents per day, to be paid by the Treasurer of the proper county, out of the county rates and levies, on orders to be drawn for the same by the commissioners of the proper county, which allowance shall be in full for their said services and expenses, other than the mileage herein before allowed, and in lieu of all kinds of refreshment it may have been heretofore customary to provide at the expense of the county; and from and after the passing of this act, no such expense shall be paid or allowed for such refreshments by the commissioners of any county within this commonwealth.

Frauds of the officers of election, how punished.

Penalty for refusing to serve as an officer of election.

Compensation of the officers of election.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That every specific fine and forfeiture by virtue of this act to be incurred shall be recovered by action of debt, brought in the Supreme Court, or in any Court of Common Pleas within this commonwealth, or by information or indictment, one half to the use of the plaintiff, informer or prosecutor, and the other half to the use of this commonwealth; and where such fine or forfeiture is not specific, by indictment, one half to the use of the prosecutor, and one

How fines and forfeitures shall be recovered and applied.

1799. half to the use of the commonwealth: *Provided always*, That all suits and prosecutions against any person by virtue of this act be brought, within the proper county, within six months next after the cause of such suit or prosecution shall accrue, and not otherwise.

SECT. XXV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Governor of this commonwealth, on the representation of the College of Physicians of the city of Philadelphia, and Board of Health, or either of them, that from the prevalence of a malignant or contagious fever in the said city and suburbs, the lives of the electors will be in danger, by attending at the places fixed by law for holding elections within the same, to direct the Sheriff of the county of Philadelphia to hold the election for the city at such other place within the limits of the city plot, and the elections for the districts and townships at such other places within the same, as he, the Governor may judge most safe and convenient; and it shall be the duty of the Sheriff of the city and county of Philadelphia to give public notice by advertisements posted up in the most public places of the several wards or districts, or publish in at least three of the public newspapers printed in the city of Philadelphia, the places where such elections are to be held, at least seven days before the time of holding the said elections; and if the Sheriff shall neglect to perform the duty herein prescribed, he shall pay the sum of two hundred dollars for every such neglect.

SECT. XXVI. *And be it further enacted by the authority aforesaid*, That an act, entitled "An act to amend the several acts of this commonwealth, directing the mode of electing members of the General Assembly thereof," passed the twentieth of September, one thousand seven hundred and eighty-two, and an act, entitled "An act to regulate the general elections of this commonwealth, and to prevent frauds therein," passed the thirteenth of September, one thousand seven hundred and eighty-five, and an act, entitled "An act for altering and amending an act, entitled "An act to regulate the general elections of this commonwealth, and to prevent frauds therein," passed the nineteenth day of September, one thousand seven hundred and eighty-six, except so much of the two last mentioned acts as relates to election districts, or respects the repealing of former laws, shall be, and the same are hereby repealed and made void.

Passed 15th February, 1799.—Recorded in Law Book No. VI. page 328. (i)

(i) District of Southwark, and township of Northern Liberties authorized to choose four Inspectors each, and the township of Germantown an additional Inspector to serve at the general elections. Act of 7th March, 1800, (chap. 211.) Additional Inspector allowed to each ward in the city, by act of 1st March, 1800, (chap. 2099)

By an act to amend the act in the text, passed 4th April, 1803, (chap. 2389,) the Judges, Inspectors and clerks of elections shall be sworn or affirmed

before any Judge of the Common Pleas, Alderman or Justice of the Peace; or if none be present, or cannot conveniently be had, one of the Judges of the election, having first taken the oath or affirmation administered to him by one of the other Judges, shall administer the oaths, &c. to the other Judges, and to the Inspectors and clerks, and the powers and duties heretofore assigned to the agents, shall henceforth cease.

Assessors neglecting or refusing to assess and return persons liable to tax-

When the stated place of election may be changed, in cases of a contagious disease.

Notice thereof to be given.

Repeal of former acts.

ation; or if the commissioners shall wilfully omit to insert any name duly assessed and returned to them by the assessor, on conviction shall forfeit, &c. and the party aggrieved shall be a witness, &c.

No body of regular troops shall appear at the place of election, armed or unarmed.

Commissioners of the several counties shall deliver the tax list to the Inspectors on the morning of the election; and penalty for neglect

This act also provides for making the returns where counties consist of more than one district, or where members of Congress are to be elected: and daily wages were not to be allowed to Judges and Inspectors. But this latter part was repealed by act of 2d April, 1804, (chap. 2493.)

An act passed 18th Feb'y, 1805, (chap. 2531,) directs the mode of filling vacancies in the representation of this state in the House of Representatives of the United States.

The place of meeting of the return Judges of the district of Fayette and Greene, altered, by act of 20th January, 1806, (chap. 2621.)

By act of 17th March, 1806, all township elections, and meetings of return Judges of the general elections, which were directed by law to be held on Saturday, shall be holden on the Friday immediately preceding, (chap. 2665.)

By act of 23d March, 1807, (chap. 2780,) the nineteenth section of the act in the text is repealed.

By an act to regulate township elections, passed 13th April, 1807, (chap. 2862,) a majority of the qualified electors present at any meeting, held at the usual place for electing Assessors or Inspectors, or other township officers, may change the place of holding said elections.

Returns of Sheriffs and Coroners elect shall be sent by post to the Secretary of the commonwealth. Act of 13th April, 1807, (chap. 2868.)

The borough of Lancaster divided into two election wards, and to choose an additional Inspector, by act of 2d April, 1804, (chap. 2481.)

Circuit Court, *Pittsburg*, October, 1800, before *Yeates* and *Smith*, justices, in the case of

*Respublica v. Samuel Ray.*

The defendant was indicted on the 18th section of the act in the text, for that he, being an alien, and not qualified to vote in this state, did appear at an election in the town of *Franklin*, on

the 8th October, 1799, for the purpose of issuing tickets, and of influencing the citizens qualified to vote.

The informer was offered as a witness, but excepted to on the ground of interest, as being intitled to one half of the fine on conviction, under the 24th section, the same not being specific: whereupon he executed a release to the defendant of his share of the forfeiture, and filed the same in court, and was thereupon admitted and sworn.

It did not appear that the defendant distributed any tickets on the election ground, but that he endeavoured to procure five or six persons to give their votes for a certain ticket; whether he succeeded or not, was not known.

For defendant it was insisted, that he could not be legally convicted of influencing citizens qualified to vote, unless it could be ascertained that he prevailed on them to give their votes agreeably to his wishes.

But the court said, that if influencing means succeeding in the party's efforts, the law would be a dead letter; no conviction could take place, because no citizen was compellable to declare how he has given his suffrage. The word *persuade* has been construed, to carry the persuasion into effect; and the same idea has been assigned to it in prosecutions for high treason, (1 *Dallas*, 39,) during the revolutionary war. But the word *influence*, has not the same extensive signification, and only means, to use the party's endeavours, though he may not have been able to carry his point. This appears clearly from the latter words of the 18th section, where it is said, every person "interfering in the manner aforesaid, shall forfeit and pay any sum not exceeding 30 dollars for every such offence."

The defendant was acquitted of issuing tickets, but convicted of influencing persons to vote, and was fined 15 dollars. (MSS. Reports.)

Under the act in the text, the Inspector has no right to exact an oath of a citizen claiming to vote, that he did not join the British forces during the late war, or was not attainted of high treason. The maxim, "No one is bound to accuse himself," extends to such cases where the answer may involve one in shame or reproach.

To constitute the offence of intimidation, threats, violence, or interruption, under the 17th section of the act, there must be a preconceived intention for the purpose of intimidating the officers, or interrupting the election. *Respublica v. Gibbs, jun.* Supreme Court, December, 1802. (MSS. Reports.)