

or town of the respective counties of this province where the fact was committed.

[Section IX.] And be it enacted by the authority aforesaid, That all and singular the fines, forfeitures and penalties in and by this act set and appointed shall be one-half to the governor for the support of government, and the other half thereof to the informer or him or them that will sue for the same; if under forty shillings, to be recovered as debts under forty shillings are usually recovered; if above forty shillings, to be sued for and recovered by bill, plaint or information in any court of record within this province, wherein no essoin, protection or wager of law nor any more than one imparlance shall be allowed.

Passed August 18, 1727. Apparently never considered by the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Volume III, Appendix V, Section 1, and the Acts of Assembly passed March 12, 1789, Chapter 1395; September 24, 1789, Chapter 1440; April 20, 1795, Chapter 1863; March 27, 1821, P. L. 133; April 2, 1822, P. L. 196; April 15, 1835, P. L. 384; March 31, 1836, P. L. 332; June 16, 1836, P. L. 810; March 25, 1850, P. L. 281; March 31, 1860, P. L. 332; (Section X, repealed by the Act of Assembly passed) March 31, 1860, P. L. 427; April 2, 1867, P. L. 657, and the Constitution of 1873, Article III, Section 27.

CHAPTER CCXCVI.

A SUPPLEMENTARY ACT TO THE ACT FOR ASCERTAINING THE NUMBER OF MEMBERS OF ASSEMBLY, AND TO REGULATE ELECTIONS.

Whereas by an act of assembly of this province passed in the fourth year of the late Queen Anne, entitled "An act to ascertain the number of members of assembly and to regulate elections,"¹ amongst other things it is enacted that every sheriff, or in his absence his under sheriff or such as he shall depute, or for want of such deputation the coroner or such as he shall appoint, or for want of such appointment any two of the free-

¹ Passed January 12, 1705-6, Chapter 137.

holders, who by the major part of the electors then and there present shall be nominated and appointed judges of the said elections, in the absence of the sheriff or coroner shall attend at the said elections and shall appoint such number of clerks for taking the poll or votes of the electors as the inspectors in the said act aftermentioned shall appoint.

And whereas by the said-recited act it doth not clearly appear what number of inspectors are to be nominated or chosen by the major part of the electors, nor are they laid under any oath or affirmation for the true discharge of the trust in them reposed by the said act, from whence some disputes have arisen to the delay of the said elections:

For remedy whereof:

[Section I.] Be it enacted by the Honorable Patrick Gordon, Esquire, Lieutenant-Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the Province aforesaid in General Assembly met, and by the authority of the same, That when the sheriff of every county of this province or his under-sheriff or such as he shall depute, or for want of such deputation the coroner or such other person or persons who by the before-recited act or any other law of this province are or shall be in the absence of the sheriff or coroner appointed to be judges of the said elections respectively, are ready to proceed according to the direction of the said act, the freemen of the respective counties then and there present and having right to be electors or the major part of them shall immediately preceding every such election of representatives nominate such substantial freeholders of the county where such election is to be for inspectors of the ensuing election, who at the time and place aforesaid shall be put up one by one by the sheriff or other judges of the said elections until eight of those freeholders so nominated shall be chosen for the county and city of Philadelphia, and fix for the said city of Philadelphia and the number four for the counties of Bucks and Chester respectively by a fair majority of the electors to be inspectors as aforesaid, having regard (as much as may be) in all elections for the respective counties of this province to choose such persons for

inspectors as, from their living in different quarters of the said counties, may have the most knowledge of the qualification or abilities of the electors.

And the said inspectors when chosen as aforesaid, before they shall proceed to act in receiving the poll or votes at the said elections, shall be qualified by oath or affirmation by the sheriff of the proper county or other judges of the elections, who are hereby empowered and required to administer the same, that they will duly attend the ensuing election during the continuance thereof, and will truly and faithfully assist the sheriff, coroner or other person who shall by virtue of the before-recited act officiate as judges of the said elections to prevent all frauds and deceits whatsoever of electors or others in the management and carrying on of the same, and in causing the poll or votes at such elections to be taken and cast up according to the direction of the said-recited act.

And the said inspectors are hereby authorized and required to administer to every elector or person who presents his ticket for electing representatives to serve in assembly an oath or affirmation in the words directed by the aforesaid act of the fourth of Queen [Anne], viz.:

That such elector is of twenty-one years of age and a freeholder for the county of and has fifty acres of land or more well seated, and twelve acres thereof or more cleared, or that he is otherways worth fifty pounds, money of this province, clear estate, and hath been resident therein for the space of two years, and that he has not been before polled at that election.

unless the qualification of such elector be generally well known or some one or more of the inspectors shall or will openly declare to the rest that they know such elector to be qualified as aforesaid, and the votes or tickets of such as offer to poll and refuse to take the said oath or affirmation shall be openly rejected; and the vote or ticket of every person who takes the said oath or affirmation shall be put into the box, and no ticket so received shall be suppressed.

Provided, That nothing herein contained shall be deemed or taken to disannul, alter or make void the said-recited act or

anything therein contained, but that every clause, article and sentence therein (except what is hereby altered or supplied) shall be and remain in full force and virtue.

Passed August 18, 1727. This Act of Assembly was repealed temporarily by the two Acts of Assembly passed May 19, 1739, Chapter 350, and February 3, 1742-43, Chapter 356, and was repealed finally by the Act of Assembly passed March 7, 1745-46, Chapter 364.

CHAPTER CCXCVII.

AN ACT FOR ESTABLISHING A FERRY FROM THE CITY OF PHILADELPHIA TO THE LANDING AT OR NEAR THE HOUSE OF WILLIAM COOPER, AND ANOTHER FROM OR NEAR THE CITY BOUNDS TO GLOUCESTER IN NEW JERSEY.

Whereas the late King Charles the Second by his letters patent under the great seal of England did (amongst other things) grant unto William Penn, Esquire, late proprietor and governor of this province, his heirs and assigns, the free and undisturbed use and continuance in and passage into and out of all and singular ports, harbors, bays, waters, rivers, isles and inlets belonging unto or leading to and from this country, and all the soil, rivers, bays and inlets situate and being within or belonging to the limits and bounds thereof.

By virtue of which grant the river Delaware (being the eastern boundary of this country) as well as all other the great rivers and streams of this province are become and ought to be and continue as common streets and highways for the free and undisturbed use of all such as have occasion to pass and repass in and over the same.

And whereas by an act of general assembly held at Philadelphia in the fourth year of his present Majesty's reign, entitled "An act for erecting a ferry to the landing at or near the land late of Daniel Cooper, and also to Gloucester in the western division of New Jersey,"¹ it was enacted that from the land-

¹ Passed February 22, 1717-18, Chapter 230.