

CHAPTER CCCXCVI.

AN ACT FOR DIRECTING THE CHOICE OF INSPECTORS IN THE COUNTIES OF CHESTER, LANCASTER, YORK, CUMBERLAND, BERKS AND NORTHAMPTON.

Whereas notwithstanding the just and impartial method prescribed for electing of members of assembly by the charter of privileges granted by the Honorable William Penn, Esquire, late proprietor and governor-in-chief of the province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, to the inhabitants thereof and of the several acts of assembly of the said province made in pursuance of the said charter for the more free, impartial and peaceable election of members to serve in the general assembly of the said province, and of sheriffs, coroners, commissioners, assessors and of inspectors to assist in the said election, it was nevertheless found upon experience that the method formerly prescribed by the laws of this province for choosing inspectors to assist the sheriff and for receiving the poll or votes at the said election did not answer the good purposes for which it was intended, but great numbers of disorderly persons, many of whom, not being qualified to vote for members of assembly, mixed themselves among the electors at the time of choosing inspectors, and by their rude and disorderly behavior disturbed the electors and created strifes and quarrels, to the great danger and disquiet of the peaceable people there met together and in delay of the said elections. And forasmuch as it often happened that the said inspectors were chosen, most or all of them, out of one part of the county, and by reason thereof could not be so well acquainted with the estates and circumstances of all the electors, which was the principal end of their appointment:

For remedying of which inconveniencies an act of general assembly of this province was passed in the twelfth year of the present reign, entitled "A Supplement to the act for electing

members of Assembly,"¹ and also one other act was passed in the sixteenth year of the same reign, entitled "An act for continuing and amending the act of assembly"² last aforesaid, which acts being limited to the space of three years then near expiring, one other act was passed in the nineteenth year of the reign of the present King, entitled "An act for amending the several acts for electing members of assembly,"³ whereby the said several acts of the twelfth and sixteenth of King George the Second, hereinbefore-mentioned, with some amendments were made perpetual. But forasmuch as it is found by experience that the manner of electing inspectors in several of the counties within this province in and by the aforesaid acts directed and enjoined has not altogether removed the difficulties or answered the good ends proposed:

[Section I.] Be it therefore enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That the freeholders and others qualified to elect members of assembly in each township in the respective counties of Chester, Lancaster, York, Cumberland, Berks and Northampton shall meet on the twenty-seventh day of September yearly, but if the same shall happen upon a first day of the week, then upon the day before, at some convenient place within their [said] respective townships to be appointed by the constable of the said township or in case of his absence, neglect or refusal, then at such convenient place within such townships as the overseers of the poor shall appoint; and the said electors, being qualified to vote for members of assembly, shall between the hours of nine in the forenoon and three in the afternoon the same day, during all which time the election shall continue, in the presence of the constable and such two freeholders as he shall call to his assistance or in case of his absence, neglect or refusal the over-

¹ Passed May 19, 1739, Chapter 350.

² Passed February 3, 1742-43, Chapter 356.

³ Passed March 1, 1745-46, Chapter 364.

seer of the poor, proceed to elect by balloting one able and discreet freeholder, residing within the said township who may be supposed to be best acquainted with the estates and circumstances of the inhabitants, the name of which person so nominated and chosen is to be taken down in writing by the constable or overseer of the poor, as the case shall happen, with the name of the township for which he is chosen, and shall be delivered to the sheriff at the place of election or to such person or persons as shall happen to be judges of the election, before the hour of nine in the forenoon of the day whereupon the election of members of assembly shall happen, who shall for that year be inspectors of the election, and as such shall be declared and published by the sheriff in the presence of the electors or so many of them as shall be present.

[Section II.] And be it further enacted by the authority aforesaid, That before the said inspectors proceed to act in assisting the sheriff to receive the poll or votes of the said electors, they shall be qualified by oath or affirmation by the sheriff of the proper county or other judges of the elections, who are hereby required and empowered to administer the same:

That they, the said inspectors, will duly attend the ensuing election during the continuance thereof, and well and truly and faithfully assist the sheriffs, coroners or other judges of the said election to prevent all frauds and deceits whatsoever of electors or others in carrying on the same, and in causing the poll or votes at such election to be taken, marked off upon their respective lists and cast up as is by this act and by an act 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 directed and enjoined.

And the inspectors shall and they are hereby authorized to administer to every elector or person who presents his ticket an oath or affirmation in the words directed by the aforesaid last-mentioned act of assembly, unless the qualification of such elector be generally well known or some one or more of the said inspectors shall and will openly declare to the rest that they know such elector to be qualified as in the aforesaid act of assembly is required; and the votes or tickets of such as offer to

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

poll and refuse to take the said oath or affirmation shall be openly rejected and the votes or tickets of every person who takes the said oath or affirmation shall, with the other lawful tickets or votes, be put into the box, and no tickets so received shall be suppressed.

[Section III.] Provided always, and be it further enacted by the authority aforesaid, That the inspectors of the several townships within the counties of Chester, Lancaster, York, Cumberland, Berks and Northampton, if present, shall receive the votes or tickets of the electors of the townships for which they are chosen and no other, or in case of their absence the inspectors of the adjoining townships; and that no votes or tickets shall be taken nor allowed unless such votes or tickets be so as aforesaid received. And the name of every person shall be marked off by the inspectors aforesaid at the time of his voting by writing the word "voted" in the margin of the lists of the taxables of their respective townships, to be lodged in the hands of the said inspectors for the purposes aforesaid, as is hereinafter-directed.

And to the end this act may be duly executed and the peace preserved:

[Section IV.] Be it enacted by the authority aforesaid, That the constables of the respective townships within the several counties of Chester, Lancaster, York, Cumberland, Berks and Northampton, or in case of the death, neglect or absence of the said constables then the overseers of the poor of such township or one of them, shall, at least six days before the said twenty-seventh day of September in every year, give public notice in writing by affixing the same at the most public places in the respective townships of the place where the inhabitants of the township in which they live shall meet to elect a fit person, according to the direction of this act. And that the said constable, or in his absence the overseer of the poor, as aforesaid, shall there attend at the time appointed in this act. And such constable or overseer of the poor shall call to his assistance two substantial freeholders of the said township, being there present, who shall assist them in judging of the said election and in taking the votes, and who, together with himself, shall, as soon as the said election is closed, certify under their hands and seals that such

person was elected by a majority of lawful votes by the township to which he belongs, whereof the said constable or other judge of the election as aforesaid shall immediately give notice to the person so elected, that he may give his attendance at the ensuing election for members of assembly accordingly; and the said constable or other judge of the election shall likewise at the same time furnish the inspector so chosen with an alphabetical list of the names of all the taxables within the said township, to enable him the better to judge of the qualifications of the electors at the ensuing election for members of assembly, which said lists the collectors of the respective townships are hereby required and enjoined to furnish when demanded for the purposes aforesaid under the penalty of two pounds ten shillings; and the certificate so as aforesaid taken of the person elected by a majority of lawful votes in the township to which he belongs shall be delivered by the constable to the sheriff or other judge or judges of the election of the county to which they belong in the manner hereinbefore-directed, for all which said services the said constable shall receive five shillings, to be paid by the county treasurer. And if any sheriff or coroner, constable or overseer of the poor, being judge of such election as aforesaid, shall neglect to do the duties hereby enjoined them respectively, or shall willfully misbehave him or themselves in the execution of his or their duty and be thereof legally convict, such person so offending, if sheriff or coroner, shall forfeit the sum of one hundred pounds, and if a constable or overseer of the poor, shall forfeit five pounds, to any person who shall sue for the same. And the better to enable the house of representatives to judge of the elections of their own members if any disputes should hereafter arise, and to secure to the freemen of this province their just rights:

[Section V.] Be it enacted by the authority aforesaid, That every sheriff or coroner within this province respectively, at the same time he is by law enjoined to make returns of the members elected to serve as representatives or delegates of the freemen thereof, shall also return to the house of representatives the lists taken by the clerks of the names of the electors and places of their abode in the counties of Philadelphia and Bucks respec-

tively, and all the lists of the taxables as laid before the inspectors in the respective counties of Chester, Lancaster, York, Cumberland, Berks and Northampton, or attested copies thereof, under the penalty of ten pounds each, to be recovered by any person who will sue for the same. And if any of the persons elected and returned in any of the townships within the said counties of Chester, Lancaster, York, Cumberland, Berks and Northampton in the manner hereinbefore-directed shall neglect or refuse to give his attendance at the time and place of electing members of assembly, every such person so offending shall forfeit the sum of five pounds to any person who will sue for the same.

Provided always, That nothing herein-contained shall be deemed or taken to alter or make void the act of general assembly made in the fourth year of the late Queen Anne, or the aforesaid act passed in the nineteenth year of the present reign, or anything therein or in either of them; but that every clause, article and sentence in the said acts or either of them contained, except what is hereby expressly altered or supplied, shall be and remain in full force and virtue as the same were before the making of this act:

[Section VI.] Provided also, and be it further enacted by the authority aforesaid, That this act shall continue in force for the term of three years and from thence to the end of the next sessions of assembly and no longer.

Passed March 11, 1752. Confirmed by the King in Council, May 10, 1753. See Appendix XIX, Section I, continued by the Acts of Assembly passed September 27, 1755, Chapter 404, September 29, 1759, Chapter 451. See the Act of Assembly passed March 4, 1763, Chapter 489.