

[Section VI] (Section VIII, P. L.) And be it further enacted, That if any person shall forge such certificate as by this act is to be made out and given by one of the justices of the peace of this state, or shall cause or procure others to forge or counterfeit the name and seal of a justice of the peace to such certificate, or shall by erasing or otherwise taking out or covering or pasting over a man's name that was written in a true and genuine certificate alter the same so as to serve his own or any other man's purposes, or shall produce and make use of any such certificate knowing it to be forged or altered, every such person and persons so offending and being thereof legally convicted before any court of general quarter sessions of the peace of the city or county where such offense shall be committed shall be fined the sum of fifty pounds and be committed to gaol until he pays the fine and costs of prosecution and if he shall not within the space of thirty days satisfy the judgment of the court he shall be whipped with any number of lashes not exceeding thirty-nine on his bare back well laid on.

Passed June 13, 1777. See the Acts of Assembly passed October 12, 1777, Chapter 765; April 1, 1778, Chapter 796; September 2, 1778, Chapter 807; September 10, 1778, Chapter 813; December 5, 1778, Chapter 822; March 31, 1779, Chapter 836; October 1, 1779, Chapter 852; September 13, 1785, Chapter 1175; March 4, 1786, Chapter 1206; March 29, 1787, Chapter 1294; (repealed by the Act of Assembly passed) March 13, 1789, Chapter 1396.

CHAPTER DCCLVII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR AMENDING THE SEVERAL ACTS FOR ELECTING MEMBERS OF ASSEMBLY." ¹

(Section I, P. L.) Whereas by one of the said acts, entitled "An act to ascertain the number of members of assembly and to regulate the elections,"² passed in the year of our Lord one thou-

¹ Passed March 1, 1745-6, Chapter 364.

² Passed January 12, 1705-6, Chapter 137.

sand seven hundred and five, it is enacted "That the sheriff or some other of the persons appointed judges of the election of members of assembly shall open the paper of an illiterate elector containing the names of those persons for whom he votes, read the same names and ask such elector whether these are the persons for whom he votes?"

(Section II, P. L.) And whereas it is highly dangerous to the freedom of elections in this commonwealth that the sheriffs and other persons appointed judges of elections should continue to be invested with the power of searching and discovering for whom any elector shall vote to represent him:

[Section I.] Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act no sheriff, coroner, inspector, or judge of any election to be held for the city of Philadelphia or for any of the counties in this state for choosing one or more members of the general assembly or of the executive council thereof, shall presume before the end and closing of the poll of such election to unfold or open the whole or any part of the scroll of paper containing the names of the persons voted for and delivered in by any of the electors, and to look over or read the names thereon written or any of them, under the penalty of ten pounds, to be sued for, recovered and appropriated as is hereinafter directed.

(Section III, P. L.) And to remove all pretenses of judges and inspectors to investigate for whom any of the electors will vote:

[Section II.] Be it further enacted, That the clause in the aforesaid act of general assembly which alloweth the electors verbally to give in the names of such persons as they mostly desire should be chosen and the clerks of the election to enter down such names is hereby expressly repealed.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the annual elections of the members of the house of representatives and of the executive council of this state, and of all such officers as under any law of the former government are to be elected on the same day on which the members of assembly were elected, shall from hence-

forth be held on the second Tuesday of the month of October in every year at such places as is here[in]after ordained: That is to say,

The elections for the city of Philadelphia at the state house as usual.

(Section V, P. L.) The elections for the county of Philadelphia, which is divided into three districts, shall be held in three places, to-wit: The freemen of the Northern Liberties, Southwark and the townships of Moyamensing, Passyunk and Kingsessing, being the first district, shall hold their elections at the State House as usual; the freemen of the townships of Germantown, Roxborough, Bristol, Oxford, Lower Dublin, Byberry, Cheltenham, Abington, Moreland, Upper Dublin, Horsham, White-marsh, Springfield, Plymouth, Blockley and Lower Merion, being the second district, shall hold their elections in German-town at the public house formerly kept by Jacob Coleman; and the freemen of the townships of Douglass, New Hanover, Limerick, Frederick, Marlborough, Upper Hanover, Upper Salford, Worcester, Providence, Perkiomen and Skippack, Lower Salford, Franconia, Hatfield, Towamensing, Whitpain, Norriton, Upper Merion, Montgomery and Gwynedd being the third district, shall hold their election at Jacob Wentz's in the township of Worcester.

(Section VI, P. L.) The elections for the county of Chester which is divided into three districts shall be held in three places, to-wit: The freemen of the townships of Chester, Upper Chichester, Lower Chichester, Bethel, Asheton, Concord, Middleton, Thornbury, Birmingham, Nether Providence, Upper Providence, Ridley, Marple, Springfield, Darby, Haverford, Newtown, Edgmont, Willistown and Radnor, being the first district, shall hold their election at the borough of Chester; the freemen of the townships of London Grove, East and West Marlborough, Kennett, Pennsylvania, Newleyn, New Garden, London Britain, New London, Londonderry, East and West Nottingham, Oxford, East and West Fallowfield and Sadsbury being the second district, shall hold their election at Chatham, formerly called the Halfway House; and the freemen of the townships of East and West Bradford, West Caln, Charlestown, Tredyffryn, Uwchland, Pike-

land, Coventry, East and West Whiteland, East and West Nantmel, East Caln, Easttown, Westtown, Goshen, and Vincent, being the third district, shall hold their election at the house of Joseph Bentley, commonly called the Red Lion.

(Section VII, P. L.) The elections for the county of Bucks, which is divided into two districts, shall be held at two places, to-wit: The freemen of the townships of Millford, Richland, Springfield, Durham, Haycock, Nocamixon, Tinicum, Bedminster, Rockhill, Hilltown and Plumstead, being the first district, shall hold their election at the house of Andrew Kuchlein in Rockhill, and the freemen of all the rest of the townships of the said county at the court house in Newtown.

(Section VIII, P. L.) The elections for the county of Lancaster, which is divided into six districts, shall be held in six places, to-wit: The freemen of the borough of Lancaster and the townships of Lancaster, Leacock, Warwick, Manheim, Hempfield, Manor, Connestogoe and Lampeter, being the first district, shall hold their election at the court house in the borough of Lancaster; the freemen of the townships of Little Britain, Drummore, Bart, Colerain, Martick, Strasburg and Sadsbury, being the second district, at the house of James Porter, Junior, in Drummore; the freemen of the townships of Derry, Londonderry, Rapho, Donegal and Mountjoy, being the third district, at the sign of the Bear, in Elizabethtown, in Donegal township; the freemen of the townships of Salisbury, Caernarvon, Brecknock, Earl and Cocalico, being the fourth district, at New Holland in Earl township; the freemen of the townships of Elizabeth, Bethel, Heidelberg, Lebanon and East Hanover, being the fifth district, at the town of Lebanon; and the freemen of the townships of West Hanover, Paxtang and Upper Paxtang, being the sixth district, at Garber's Mill in Lower Paxtang township.

(Section IX, P. L.) The elections for the county of York, which is divided into five districts, shall be held in five places, to-wit: the freemen of Yorktown and the townships of York, Manchester, Dover, Codorus, Shrewsbury, Windsor and Hallam, being the first district, shall hold their election at the court house in Yorktown; the freemen of the townships of Cumberland, Hamilton's Bann, Straban, Mountjoy, Menallan and Tyrone, being

the second district, at the house of Samuel Gattis in Cumberland township; the freemen of the townships of Heidelberg, Berwick, Mount Pleasant, Manheim, Paradise and Germany, being the third district, at Hanover town; the freemen of the townships of Fawn, Hopewell and Chanceford, being the fourth district, at Thompson's Mill, near the junction of the said three townships; and the freemen of the townships of Newberry, Warrington, Manahan, Huntingdon and Reading, being the fifth district, at the house of Robert Stevenson in Warrington township.

(Section X, P. L.) The elections for the county of Cumberland, which is divided into four districts, shall be held in four places, to-wit: The freemen of the town of Carlisle and of the townships of East and West Pennsborough, Allen, Middleton, Newtown and Hopewell, being the first district, shall hold their election at the court house in the town of Carlisle; the freemen of the townships of Antrim, Peters, Guilford, Hamilton, Fannet, Lurgan and Letterkenny, being the second district, at Chambersburg in Guilford township; the freemen of the townships of Tyrone, Tyboyne and Rye, being the third district, at William M. Clure's, Esquire, in the township of Tyrone; and the freemen of the townships of Milford, Greenwood, Armagh, Leck, Derry and Farmanagh, being the fourth district, at the house of James Purdy, in Farmanagh.

(Section XI, P. L.) The elections for the county of Berks shall be held at the court house of the town of Reading in the said county as usual.

(Section XII, P. L.) The elections for the county of Northampton, which is divided into four districts, shall be held in four places, to-wit: The freemen of the town of Easton and of the townships of Easton, William, Lower Saucon, Bethlehem, Forks, Mount Bethel and Plainfield, being the first district, shall hold their election at the court house in Easton aforesaid; the freemen of the townships of Northampton, Salisbury, Upper Saucon, Upper Milford, Maccongy, Weisenberg, Lynn, Whitehall, Heidelberg and Lowhill, being the second district at the town of Northampton; the freemen of the townships of Allen, Moore, Chestnuthill, Towamensing, Penn and Lehigh, being

the third district, at the house of Peter Anthony in Lehigh township; and the freemen of the townships of Hamilton, Lower Smithfield, Delaware and Upper Smithfield, being the fourth district, at the house of Nicholas Dupuy in Lower Smithfield township.

(Section XIII, P. L.) The elections for the county of Bedford, which is divided into four districts, shall be held in four places, to-wit: The freemen of the town of Bedford and the townships of Bedford, Colerain and Cumberland Valley, being the first district, shall hold their elections at the court-house in the said town of Bedford; the freemen of the townships of Bethel, Air and Dublin, being the second district, at the house of John Burd at Fort Littleton; the freemen of the townships of Barre, Hopewell and Frankstown, being the third district, at the place called the Standing Stone; and the freemen of the townships of Brothers Valley, Turkey Foot and Quesnachoning, being the fourth district, at the house of John Kemberline near the junction of the said three townships.

(Section XIV, P. L.) The elections for the county of Northumberland, which is divided into four districts, shall be held in four places, to-wit: The freemen of the townships of Augusta, Penns and Mahanoy, being the first district, shall hold their election at the town of Sunbury; the freemen of the townships of Turbit, Mahoning and Wyoming, being the second district, at the town of Northumberland; the freemen of the townships of Buffalo, White Deer and Potter, being the third district, at Foutz's Mill in Buffalo aforesaid; and the freemen of the townships of Muncy and Bald Eagle, being the fourth district, at the house of Amariah Sutton, in Muncy township.

(Section XV, P. L.) And the elections for the county of Westmoreland, which is divided into four districts, shall be held in four places, to-wit: The freemen of the county on the north side of Kiskemenetas and Conemaugh being the first district, shall hold their election, at Captain Samuel Moorhead's mill; the freemen of the country bounded by the Laurel Hill, Conemaugh, the Chestnut Ridge and the Youghioghenny, being the second district, at Fort Ligonier; the freemen of the country on the south side of the said river Youghioghenny being the third district, at

Sparks Fort in Tyrone township; and all the freemen not included in the aforementioned districts at Hannah's Town.

[Section IV.] (Section XVI, P. L.) Provided always and it is hereby further enacted, That no person who has lands and tenements in two districts or in two counties shall vote in more than one district or county in this state at any one election, any law or custom to the contrary thereof notwithstanding.

[Section V] (Section XVII, P. L.) And be it further enacted, That all the elections for members of the general assembly or of the executive council to be held in pursuance of any writ or writs which shall be issued by the president or vice-president in council or by the speaker of the house of assembly shall be holden in the said city and counties respectively at the same places where the annual elections are by this act directed to be holden, and that the sheriff, coroner and other persons who shall have it in charge to execute such writ or writs shall give public notice of the time and place of election and proceed thereupon as directed by the said first-recited act within the space of fifteen days after the receipt of such writ or writs aforesaid, and give eight days notice of the day of election, which notice shall be given in writing or print and shall be proclaimed and published in the same manner as is directed in and by an act, entitled "An act to ascertain the number of members of assembly and to regulate the elections;"¹ and that the returns as well of the annual elections as of the occasional elections held by writ shall be made in the same manner as the aforesaid act directs, and one part thereof delivered to the president or vice-president of the council for the time being and the [other to the] house of representatives.

[Section VII] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the freemen of the several wards of the city of Philadelphia and of the several townships in the said counties shall elect their inspectors of the elections on the Saturday next preceeding the annual elections of this state in the same manner and to the same effect as is directed and provided in and by an act of general assembly of this state, entitled "An act directing the choice of inspectors,"² passed in

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

² Passed February 8, 1766, Chapter 539.

the year of our Lord one thousand seven hundred and sixty-six, And that the inspectors who shall be chosen in pursuance of the said act or a majority of them shall in the morning of the day of any election at their meeting in the place appointed for the district to which they belong choose and take to their assistance three reputable and discreet persons, who with the sheriff or coroner (if he be present) shall be judges of the election and shall qualify themselves by reading, if no justice of the peace be present, and each justice if present is hereby enjoined and required to administer the following oath or affirmation:

“I do swear (or affirm) that I will duly attend the ensuing election during the continuance thereof and well, truly and faithfully assist the inspectors of this election to prevent all fraud and deceit whatsoever of electors or others in carrying on the same:”

And that thereupon the constables or overseers of the poor of the several townships belonging to the district in which the election is to be held shall make their returns of the names of the persons chosen inspectors for the said township respectively unto the judge's assistant who were so qualified as aforesaid; and the said judges, or any one of them shall administer an oath or affirmation to the inspectors:

That they (the said inspectors) will duly attend the ensuing election during the continuance thereof, and well, truly and faithfully assist the sheriff and coroner, if they or either of them be present, and the aforesaid judges of the election, to prevent all fraud and deceit 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 by the several acts of general assembly of this state it is directed and enjoined.

And the said judges shall open the said election at some time between the hours of ten in the morning and two in the afternoon of the day of election. And the said inspectors shall and they are hereby authorized to administer to every elector or person presenting his ticket who shall be suspected by any of the judges not to be entitled to vote an oath or affirmation (instead of the oath or affirmation prescribed by the last-mentioned act of assembly) in the words following, to-wit:

“That he is twenty-one years of age and a freeman of the county of; that he has resided in this state for the space of one whole year and paid public taxes during that time (or is the son of a freeholder in this state who payeth taxes), and that he has not voted already nor will vote at this election in any other district of the said county or in any of the other counties of this state.”

[Section VII] (Section XIX, P. L.) And be it enacted, That every person coming to vote for members of assembly or executive council who shall present his ticket to any inspector of election shall produce a certificate of his having taken and subscribed the oath or affirmation of allegiance as directed in and by an act of general assembly, entitled “An act obliging the [male white] inhabitants of this state to give assurances of allegiance to the same and for other purposes therein mentioned,”¹ and the inspector to whom such ticket shall be presented shall not receive such ticket until such person shall have taken the said oath of affirmation, which any inspector of election is hereby empowered and required to administer.

[Section VIII] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That after the election shall be ended the poll closed and the number of votes to each candidate happening cast up the aforesaid judges and inspectors or a majority of them shall make out under their hands and seals a fair list and certificate of the names of the persons voted for in the respective offices for which the election is held and of the number of votes received for each candidate, and one or more of the said judges shall take charge of and within the space of two days next after such election produce and deliver the said list and certificate in a meeting of all the judges or at least of one for each of the districts so electing in the respective counties, to be convened at the court-house of the county, and the judges of election so met shall compare the several lists and certificates of the different districts of their county, cast up the number of votes received for each candidate and certify and declare those who shall bear the highest number of votes to be duly elected and make return thereof within the space of twelve days next following unto the president or vice-president of the

¹ Passed June 13, 1777, Chapter 756.

supreme executive council for the time being and to the house of representatives at their next sitting.

[Section IX] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That if any judge or inspector of election, overseer of the poor or constable of the city of Philadelphia or of any borough or township in this state shall refuse or neglect to do the duties hereby enjoined them or shall wilfully misbehave in the doing thereof, he or they shall forfeit and pay if a judge or inspector of election any sum not exceeding fifty pounds, and if an overseer of the poor or constable, any sum not exceeding five pounds. And that the fines and penalties by this act set and imposed shall be recovered as common debts according to the quantity or amount thereof, either by process of court or before one of the justices of the peace or of the court of common pleas of the county where the offense is committed, and shall go to and be appropriated, one-half thereof to the person or persons who will sue or prosecute for the same and the other half to the public treasury of this state.

(Section XXII, P. L.) Provided always, That all actions and prosecutions against any person or persons whosoever for or by reason of any matter or thing done contrary to the directions of this act shall be brought and commenced within the space of three months next after cause of such action or prosecution accrued.

[Section X] (Section XXIII, P. L.) And be it further enacted, That so much of the aforesaid acts to which this act is a supplement as is herein altered and supplied shall be and is hereby repealed.

Passed June 14, 1777. See the Act of Assembly passed September 20, 1780, Chapter 914. The act in the text was repealed by the Act of Assembly passed September 13, 1785, Chapter 1176.