

CHAPTER MMXX.

AN ACT TO REGULATE THE GENERAL ELECTIONS WITHIN THIS COMMONWEALTH.

[Section I.] (Section I, P. L.) 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 hereinafter 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 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 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.

[Section II.] (Section II, P. L.) 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 preceeding 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, townships, ward district, who shall offer their votes for inspector, and shall conduct the said election in a fair and im-

partical 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 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.

[Section III.] (Section III, P. L.) 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 taxable and blank forms or returns, which shall have been delivered to them, or either of them, by the county commissioners, agreeably to the directors 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 inquire 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.

[Section IV.] (Section IV, P. L.) 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 inspectors

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 direction 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 person 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, list of voters and tally papers, and the other shall be transmitted to the prothonotary of the county, to remain on file in his office.

[Section V.] (Section V, P. L.) 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 endeavors 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 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."

[Section VI.] (Section VI, P. L.) 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.

[Section VII.] (Section VII, P. L.) 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.

[Section VIII.] (Section VIII, P. L.) 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.

[Section IX.] (Section IX, P. L.) 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 votes kept by them.

[Section X.] (Section X, P. L.) 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 several 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 offense, and shall moreover forfeit his vote at such election.

[Section XI] (Section XI, P. L.) 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 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.

[Section XII.] (Section XII, P. L.) 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 the 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 traveled 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 enclose, 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, indorsing 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.

[Section XIII.] (Section XIII, P. L.) 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 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 day of 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 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 hereinbefore prescribed, and the day on which the same is so delivered shall also be indorsed thereon; and each judge, who shall attend to make out the said 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.

[Section XIV.] (Section XIV, P. L.) 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.

(Section XV, P. L.) 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:

[Section XV.] Be it enacted, That when, in consequence of any vacancies, 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 purpose of election; and such elections shall be holden and conducted in like manner as is hereinbefore 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.

[Section XVI.] (Section XVI, P. L.) 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.

[Section XVII.] (Section XVII, P. L.) 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, moneys, 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, vio-

lence 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 limitation next before mentioned.

[Section XVIII.] (Section XVIII, P. L.) 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 person interfering in the manner aforesaid shall forfeit and pay any sum not exceeding thirty dollars for every such offense.

[Section XIX.] (Section XIX, P. L.) 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.

[Section XX.] (Section XX, P. L.) 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, offending as aforesaid, shall suffer such penalties and disabilities as are incurred on convic-

tion 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 deceive any judge or inspector at any election, such person shall incur a fine of fifty dollars, and suffer six months' imprisonment.

[Section XXI.] (Section XXI. P. L.) 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 neighborhood, to be kept, till the next election.

[Section XXII.] (Section XXII. P. L.) 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 hereinbefore 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, clerks, 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 offense 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 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 for-

feit and pay two hundred dollars for every such neglect or refusal; and the other lists of voters, tally-papers and certificates, shall be enclosed 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.

[Section XXIII.] (Section XXIII, P. L.) 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 honor, trust or profit, in this commonwealth; and such person shall be moreover disabled, for the term aforesaid, to elect or give his vote 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 hereinbefore 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.

[Section XXIV.] (Section XXIV, P. L.) 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 forfeitures in not specific, by indictment, one-half to the use of the prosecutor, and one-half of 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.

[Section XXV.] (Section XXV, P. L.) 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 election, 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.

[Section XXVI.] (Section XXVI, P. L.) 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,"¹ 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,"² 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,'"³ passed the nineteenth 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 February 15, 1799. Recorded L. B. No. 6, p. 328.

CHAPTER MMXXI.

AN ACT TO INCORPORATE AND ENDOW AN ACADEMY OR PUBLIC SCHOOL IN THE TOWN OF YORK, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas a tender is made to the legislature by the rector, church-wardens and vestrymen of the Protestant Episcopal Church of St. John, at Yorktown, of a large, convenient two story brick building in the said town, situate in Beaver street, forty-eight feet front and sixty feet in depth, together with the lot of ground whereon the same is erected, which hath been occupied for several years as an academy or school house, in order