

CHAPTER MCCCXX.

1802.

An ACT to direct the manner, time and places of holding elections for Electors of President and Vice-President of the United States.

WHEREAS, the constitution of the United States directs, That for the purpose of choosing a president and vice-president of the United States, "Each state shall appoint in such manner, as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress:" Therefore,

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* an election shall be held in the city of Philadelphia, and the several counties of this commonwealth, by the citizens qualified to vote for members of the General Assembly, at the same places at which the said members shall have been voted for at the last preceding election, on the fifth Friday preceding the first Wednesday in December, which will be in the year one thousand eight hundred and four, and on the fifth Friday preceding the first Wednesday in December in every fourth year thereafter, for the purpose of electing electors of a President and Vice-President of the United States; of which elections due notice shall be given by the Sheriffs of the respective counties, and the several Judges, Inspectors and Clerks, who shall have attended at the last election for members of the General Assembly, shall attend and perform, at the said election of electors, the like duties, and be subject to the like penalties for neglect or misconduct, as they are or shall be liable to, at the election of members of the General Assembly.

Places where, and time when election for President and Vice-President of the United States to be held and by whom.

SECT. II. *And be it further enacted by the authority aforesaid, That* at every such election, every citizen qualified as aforesaid, shall be entitled to vote by delivering to the proper officer, a written or printed ticket or ballot, containing the names of a number of persons, equal to the whole number of Senators and Representatives, to which this state may be entitled in Congress of the United States; and the same proceeding shall be had with the said tickets, as is or shall be by law directed, at the election of members of the General Assembly, and as soon as all the votes shall have been read off and counted, the judges of each district shall make out a certificate signed by the said judges, or a majority of them, of the number of votes which have been given for each candidate, which numbers shall be expressed in words at length, and one of the said Judges shall take charge of said certificate, and on the Monday next after said election shall have been holden, produce the same in a meeting of one Judge from each district within the said county, at the courthouse, and for the city and county of Philadelphia at the state-house, for which service each Judge shall be allowed ten cents for every mile he shall have travelled in performing the same, and the Judges of the several districts of the said county, so met, shall add together the number of votes which shall appear to have been given for each candidate, and make out triplicate returns on paper or parchment, signed by the said Judges, or a majority of them, containing

Who may vote and manner of voting.

How returns of the election are to be made.

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the names of the persons voted for, and the number of votes given for each expressed in words at length; two of which returns shall be delivered forthwith, by one of the said Judges, to the prothonotary of the proper county, who shall file one of them in his office, and within two days after he shall have received the said returns, deposit one of them in the nearest post-office, to be forwarded to the office of the Secretary of the commonwealth, to be there filed; and the third return shall be forthwith delivered by one of the Judges, to the Sheriff of the proper county, endorsing thereon, the time of delivering the same, who shall by himself or his deputy deliver the same to the Governor within fourteen days after the election shall have been holden; and the said Prothonotary and Sheriff shall receive for transmitting, depositing and delivering, the said returns to the post-office and the Governor as aforesaid, the same compensation as is allowed for similar services, by the act, entitled "An Act to regulate the general elections within this commonwealth," passed the fifteenth day of February, one thousand seven hundred and ninety-nine; and the Prothonotaries and Sheriffs respectively, shall be subject to like penalties for neglect or misconduct, as are prescribed in similar cases, by the said recited act, and the Governor shall enumerate and ascertain the number of votes given for each and every person so as aforesaid voted for, and shall thereupon declare by proclamation, the names of the persons duly elected and chosen, and shall cause a notification of their election to be delivered to the person so chosen, on or before the last Wednesday in the month of November next after such election.

Compensation to Prothonotary and Sheriff for making return.

And penalty for neglect or misconduct.

Persons elected to be proclaimed and notified by the Governor.

Electors when and where to perform their duties.

SECT. III. *And be it further enacted by the authority aforesaid,* That the electors who shall be chosen as aforesaid, shall at twelve o'clock on the day, which is or may be directed by the Congress of the United States, meet at the seat of government of this state, and shall then and there perform the duties enjoined upon them by the constitution and laws of the United States.

To give notice of their arrival at the seat of government to the Governor.

who shall inform the Legislature thereof.

The absence of one or more of the electors, how to be remedied.

SECT. IV. *And be it further enacted by the authority aforesaid* That each of the said electors shall, before the hour of nine o'clock, A. M. on the day next preceding the day of election of President and Vice-President of the United States, give notice to the Governor, that he is at the seat of government, and ready to perform the duties of an elector, and it shall be the duty of the Governor, on the day of the meeting of the said electors, between the hours of nine and ten o'clock, A. M. to inform the legislature (if in session) who of the electors are at the seat of government, and if by that information it shall appear that any one or more of the electors be absent from the seat of government, the Legislature shall forthwith proceed to choose by a joint vote, a person or persons to fill up such vacancies as may have occurred by the non-attendance of one or more of the electors, and immediately after such choice shall have been made by the Legislature, the name or names of the person or persons so chosen, shall be transmitted to the Governor, whose duty it shall be forthwith to cause a notification of his or their election to be delivered in writing to each and every of the electors last chosen as aforesaid; and the said person or persons so notified, and not the person or persons in whose places he or they shall be chosen as afore-

said, shall be electors, and shall meet on the same day, together with the other electors, and perform the duties enjoined on them by the constitution and laws of the United States.

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SECT. V. *And be it further enacted by the authority aforesaid,* That in case of any election of a President and Vice-President of the United States, at any other periods than those herein before specified, the same shall in all respects be held, conducted and concluded, as is provided by this act, in the case of an election held at the ordinary period prescribed by the constitution and laws of the United States, for holding the same.

Elections held at any other than the usual periods, to be conducted in like manner.

SECT. VI. *And be it further enacted by the authority aforesaid,* That each of the said electors shall receive three dollars daily wages, when travelling to, remaining at, and returning from the place of meeting aforesaid, the same to be paid by the treasurer of the state, on a warrant or warrants signed by the president of the meeting of the said electors, if any they shall choose, or by a majority of such electors, exclusive of persons in whose favour the warrant is drawn.

Compensation of the electors.

Passed 2d February, 1802.—Recorded in Law Book No. VIII. page 33.

CHAPTER MMCCXXI.

An ACT declaring the holding of offices or appointments under this State, incompatible with the holding or exercising offices or appointments under the United States.

WHEREAS, the eighth section of the second article of the constitution of this commonwealth, provides that no person holding or exercising any office of profit or trust under the United States, shall at the same time hold or exercise any office in this state, which the Legislature thereof shall declare incompatible with offices or appointments under the United States: Therefore,

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 every person who shall hold any office or appointment of profit or trust, under the government of the United States, whether a commissioned officer or otherwise, a subordinate officer or agent, who is or shall be employed under the legislative, executive or judiciary departments of the United States, and also every member of Congress, is hereby declared to be incapable of holding or exercising, at the same time, the office or appointment of Justice of the Peace, Mayor, Recorder, Burgess or Alderman of any city, corporate town or borough, Resident-Physician of the Lazaretto, Constable, Judge, Inspector or Clerk of election, under this commonwealth.

Persons holding an office of profit or trust under the government of the United States disqualified for holding certain offices under this commonwealth.

SECT. II. *And be it further enacted by the authority aforesaid,* That the holding of any of the aforesaid offices or appointments under this state, is hereby declared to be incompatible with any office or appointment under the United States; and every such commissioner, office or appointment, so holden under the government of this state, contrary to the true intent and meaning of this act, shall be, and the same is hereby declared to be null and void.

The holding any such offices under this state declared to be incompatible with any office, &c. under the United States.