

tions therein mentioned should be prepared and printed and that John Chaloner, William Turnbull, George Latimer, Reynolds Keen, Andrew Tybout, Edward Fox, James Collins, Peter Baynton, William Smith, druggist, Samuel Murdoch, James Bayard, Joseph Redman, Robert Smith, merchant, John Rhea, William Gray, brewer, William Tilton, Francis Wade, Thomas Irwin, Charles Risk, Andrew Pettit, James McOrea, John Taylor, Samuel Caldwell, Stacy Hepburn and John Duffield were thereby appointed to sign and number the bills of credit aforesaid. And whereas it hath been represented to this House that a considerable number of the bills of credit remain yet to be signed and numbered, whereby the trustees of the loan office are prevented from letting out the sum of fifty thousand pounds conformably to the act herein first recited:

Therefore,

[Section III.] (Section VIII. P. L.) Be it enacted by the authority aforesaid, That Levy Budd, James Laughead, George Leib, John Baker, William Wertz, Francis Mentges, Joseph Kerr, John Miller, James Glentworth, John Steel, George Goodwin, Joseph Marsh, Henry Kammerer, Michael Shubart and Robert Bridges, shall be, and they are hereby appointed signers for the said bills of credit, in addition to those appointed in and by the act last recited and that they be severally allowed the same wages as is allowed to the signers, in the same act named.

Passed September, 10, 1785. Recorded L. B. No. 3, p. 2.

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## CHAPTER MCLXXV.

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AN ACT TO REGULATE THE GENERAL ELECTIONS OF THIS COMMONWEALTH AND TO PREVENT FRAUDS THEREIN.

(Section I. P. L.) Whereas notwithstanding the regulations which have been heretofore provided and enacted for the due and orderly carrying on the general elections of this commonwealth, as well for the choice of sheriffs and other county officers yearly, as for the annual elections of representatives in the general assembly and of members of the supreme executive, coun-

cil according to the triennial rotation established by the constitution of the commonwealth or oftener as occasion shall require, manifold frauds and abuses have arisen therein whereby the said elections have been corrupted and perverted and persons who had not the confidence nor suffrages of the major part of the legal electors have been returned to sit in the legislative body and as members of the supreme executive council to the manifest depression of political virtue, the pollution of the sources of authority, and the destruction of the dearest, most essential and sacred privileges of the freemen of this commonwealth:

(Section II. P. L.) And whereas it is indispensable to the orderly holding and conducting of the said elections that the laws for regulating the same should be clear, explicit and easy to be understood, and that therefore the several and various laws now in force concerning such elections being altered and amended should be reduced into one act of general assembly:

(Section III. P. L.) And whereas the right of the freemen of this commonwealth who have a sufficient common interest and who have manifested their attachment to the community to elect their officers and to be elected into office in such manner as the laws should direct is secured to every freeman by the constitution, but the manner whereby every freeman shall exercise the same is to be regulated by the general assembly from time to time according to the number of taxable inhabitants within each city and county; provided, however, that no person shall have more than one annual vote at the general election for representatives in the general assembly.

[Section I.] (Section IV. P. L.) Wherefore be it 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 until a new proportion of representation in the legislature shall be ascertained and appointed as is directed in and by the seventeenth section of the constitution of this state, the city of Philadelphia and the several counties of this state shall be represented in the general assembly by the same number of persons as were ascertained and declared for them respectively by an act of General Assem-

bly passed on the twenty-fourth day of September which was in the year of our Lord one thousand seven hundred and seventy-nine, entitled "An act to appoint a representation for the city of Philadelphia and the several counties of this commonwealth in proportion to the taxable inhabitants in each,"<sup>1</sup> and the several acts of assembly which have been since enacted for setting off and erecting new counties whereby the same hath been varied.

And the elections for the city of Philadelphia shall be holden at the State house in the city of Philadelphia. And the elections for the county of Philadelphia, exclusive of the city of Philadelphia, which for that purpose shall be divided into two districts, viz., the freemen of the townships of Germantown, Roxborough and Bristol, shall hold their elections at the Union school house in Germantown and the freemen of the other townships in the said county, shall hold their elections at the State house in the said city.

And the elections for the county of Bucks, which for that purpose is divided into two districts, shall be holden at two places, to wit, the freemen of the townships of Milford, Richland, Springfield, Durham, Haycock, Nockamixon, Tincum, Bedminster, Rockhill, Hilltown, Plumstead and New Britain, being the first district, shall hold their elections at the house of Abraham Kechlein, inn-keeper; and the freemen of the rest of the townships of the same county, shall hold their elections at the court house at Newtown in the same county.

And the elections for the county of Chester, which for that purpose shall be divided into four districts, shall be holden at four places, to wit, the freemen of the townships of Chester, Upper Chichester, Lower Chichester, Bethel, Ashtown, Concord, Middletown, Thornbury, Birmingham, Nether Providence, Upper Providence, Ridley, Marple, Springfield, Darby, Haverford, Newtown, Edgemont, Radnor, Eastown and Tinnicum, being the first district, shall hold their elections at the town of Chester, the freemen of the townships of Londongrove, East Nottingham, West Nottingham, Oxford, and West Fallowfield, being the second district, shall hold their elections at Chatham, form-

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<sup>1</sup> Chapter 847.

erly called the Halfway House; the freemen of the townships of West Whiteland, East Caln, West Caln, West Nantmill, East Bradford, West Bradford, Newlin, East Fallowfield and Sadsbury, being the third district, shall hold their elections at the sign of the Pennsylvania Arms, at the house of John Cubertson, Esquire, in the said township of East Caln; the freemen of the townships of Charlestown, Tredyffrin, Uwchland, Gothen, Westtown and Willistown, being the fourth district, shall hold their elections at the Yellow Springs, in the township of Pike-land aforesaid.

And the elections for the county of Lancaster, which for that purpose shall be divided into four districts, shall be holden at four places, to wit, the freemen of the borough of Lancaster, and of the townships of Lancaster, Manheim, Manor, Lampeter and Conestoga, being the first district, shall hold their elections at the court house in the borough of Lancaster; the freemen of the townships of Little Britain, Dromore, Martic, Bart, Colerain, Sadsbury and Strassburg, being the second district, shall hold their elections at the house of Colonel James Porter in the township of Dromore aforesaid, the freemen of the townships of Donegal, Mountjoy, Rapho, Hempfield, Elizabeth and Warwick, being the third district, shall hold their elections at the house of Captain Hugh Peden, in the township of Rapho aforesaid; and the freemen of the townships of Salisbury, Earl, Caernarvon, Brecknock, Cocolico, and Leacock, [being the fourth district,] shall hold their elections at the house of Thomas Henderson at New Holland in the township of Earl aforesaid.

And the elections for the county of York, which for that purpose shall be divided into five districts, shall be holden at 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 elections at the court house of the same county, in Yorktown; the freemen of the townships of Cumberland, Hamilton's Bann, Straban, Mountjoy, Menallan and Tyrone, being the second district, shall hold their elections at Samuel Gettis'; the freemen of the townships of Heidelberg, Berwick, Mount Pleasant, Manheim, Paradise, and Germany, being the third district, shall hold their elections

at Hanoverstown, the freemen of the township of Fawn, Hope-  
well, and Chanceford, being the fourth district shall hold their  
elections at Turner's mill in the township of Chanceford afore-  
said, and the freemen of the townships of Newberry, Warring-  
ton, Monaghan, Huntingdon, and Reading being the fifth dis-  
trict, shall hold their elections at the house of the late Robert  
Stevenson.

The elections for the county of Cumberland, which for that  
purpose shall be divided into four districts, shall be holden at  
four places; to wit, the freemen of the town of Carlisle and of  
the townships of East Pennsborough, West Pennsborough, Al-  
len, Middletown, Newtown and Hopewell, being the first dis-  
trict, shall hold their elections at the court house in the town  
of Carlisle; the freemen of the townships of Rye, Tyrone, and  
Teboyn, being the second district, shall hold their elections at  
the house of William McClure, Esquire, in the township of  
Tyrone aforesaid; the freemen of the townships of Greenwood,  
Fermanagh, Leek and Milford, being the third district, shall  
hold their elections at the house of Thomas Wilson in the town-  
ship of Milford aforesaid; the freemen of the townships of  
Derry, Armagh and Wayne, being the fourth district, shall hold  
their elections at the house of Arthur Buchanan, in the town-  
ship of Derry aforesaid.

And the elections of the county of Berks, shall be holden at  
the county court house in the town of Reading.

And the elections of the county of Northampton, which for  
that purpose is divided into four districts, shall be holden at  
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 elections at the county court house in Easton  
aforesaid; the freemen of the townships of Northampton, Salis-  
bury, Upper Saucon, Upper Milford, Macungy, Weisenburg,  
Lynn, Whitehall, Heidelberg and Lowhill, being the second dis-  
trict, shall hold their elections at the town of Northampton;  
the freemen of the townships of Allen, Moore, Chestnut Hill,  
Towamensing, Penn and Lehigh, being the third district, shall  
hold their election at the house of Peter Anthony in Lehigh

aforesaid; and the Freemen of the townships of Hamilton, Lower Smithfield, Delaware and Upper Smithfield, being the fourth district, shall hold their elections at the house of Nicholas Depui in Lower Smithfield township aforesaid.

And the elections of the county of Bedford, which for that purpose is divided into five districts, shall be holden at five places; to wit, the freemen of the town of Bedford and of the townships of Bedford, Colerain, Providence, and Cumberland Valley, being the first district shall hold their elections at the court house of the same county in Bedford town; the freemen of the townships of Bethel and Air, being the second district, shall hold their elections at the house of Ephraim Wallace, in the township of Bethel aforesaid. The freemen of the townships of Barre, Hopewell, Frankstown and Huntingdon, being the third district, shall hold their elections at the place called the Standing-stone. The freemen of the townships of Brothers Valley, Quesmahoning, Turkey Foot, and Wilford, being the fourth district, shall hold their elections at the house of James Black in the township of Quesmahoning aforesaid; and the freemen of the townships of Dublin and Shirley, being the fifth district, shall hold their elections at the house of George Cluggage in the township of Shirley aforesaid.

And the elections of the county of Northumberland, which for that purpose is divided into four districts, shall be holden at four places; to wit, the freemen of the townships of Augusta, Penns and Mahony, being the first district, shall hold their elections at the town of Sunbury, and the freemen of the township of Turbit, Mahoning, Wyoming, Shawanee and Stoke, being the second district, shall hold their elections at the town of Northumberland; the freemen of the townships of Buffalo, White Deer and Potter, being the third district, shall hold their elections at Foutz formerly, now [Green's] mill in Buffalo aforesaid; and the freemen of the townships of Muncy and Bald Eagle, being the fourth district, shall hold their elections at the house of Amariah Sutton in Muncy aforesaid; and the freemen who reside without the bounds of any township, but within the said county, shall hold their elections at the place appointed for the fourth district as aforesaid.

And the elections for the county of Westmoreland, which for that purpose is divided into five districts, shall be holden at five places; to wit, the freemen of the said county who reside on the north side of the Kiskeminetas and Conemaugh, being the first district, shall hold their elections at the dwelling house of Samuel Dickson; the freemen of the said county bounded by the Laurel hill, Conemaugh, the Chesnut ridge, and Fayette county line, being the second district, shall hold their elections at the house occupied by William Jameson; the freemen of the townships of Huntington and Rastrover, being the third district, shall hold their elections at the dwelling house of Milliam Moore, in the township of Rastrover aforesaid; the freemen of the township of Fort Pitt, being the fourth district, shall hold their elections at the dwelling house of Debereux Smith in the town of Fort Pitt, and all the freemen residing in the said county who are not included in the aforementioned districts shall hold their elections at Hanna's town.

And the elections for the county of Washington shall be holden at the court house in the same county.

And the elections for the county of Fayette shall be holden at the court house in Uniontown.

And the elections for the county of Franklin shall be holden in two places; to wit, the freemen of the several township in the said county (except the township of Fannet) being the first district, shall hold their elections at the court house in the said county; and the freemen of the township of Fannet aforesaid, being the second district, shall hold their elections at the house of the widow Elliott in the said township.

And the elections for the county of Montgomery, which for that purpose is divided into three districts; shall be holden at three places; to wit, the freemen of the townships of Norriton, Plymouth, Whitpain, Upper Merion, Lower Merion, New Providence, Worcester, Skippack and Perkiomen, being the first district, shall hold their elections at the court house; the freemen of the townships of Whitemarsh, Springfield, Cheltenham, Abington, Moreland, Horsham, Upper Dublin, Gwynedd, Montgomery, Hatfield, Towamensing, Lower Salford and Franconia, being the second district, shall hold their elections at George

Eckart's tavern in Whitemarsh; and the freemen of the townships of Limerick, New Hanover, Douglass, Upper Hanover, Marlborough, and Upper Salford, being the third district, shall hold their elections at Michael Kreps's tavern in New Hanover.

And the elections for the county of Dauphin which for that purpose is divided into four districts, shall be holden at four places; to wit, the freemen of the townships of Heidelberg, Lebanon, Bethel and East Hanover, being the first district, shall hold their elections at the house now occupied by Anthony Kechler, in the town of Lebanon; the freemen of the townships of Derry, Londonderry and West Hanover, being the second district, shall hold their elections at Peter Friedley's in Hummelstown, in the said township of Derry; the freemen of the townships of Lower Paxton, being the third district, shall hold their elections at the court house in the said county; and the freemen of the township of Upper Paxton on the north side of Peter's mountain, being the fourth district, shall hold their elections at the house of Peter Hoffman in Upper Paxton aforesaid.

[Section II.] (Section V. P. L.) And for the more orderly choice of inspectors of the said general elections,

Be it further enacted by the authority aforesaid, That the freemen of this commonwealth residing within each town, township, ward of the city of Philadelphia, and the district of Southwark, who, by the constitution and laws of this state are duly qualified to elect representatives to sit in the general assembly, shall meet on the Saturday immediately before the second Tuesday in the month of October, yearly, at some convenient place within their respective town, township, ward or district, to be appointed by the constable or constables of the place respectively, or in case of the absence or neglect of such constable and constables, then at such convenient place within such town, township, ward or district as the overseer or overseers of the poor of the same place shall appoint; and the same freemen, or so many of them as may be present, shall then and there by the majority of votes elect two intelligent and substantial freeholders, being resident freemen of the township or place qualified as aforesaid to elect, who may be supposed to be best



acquainted with the inhabitants of the same town, township, ward or district, which two freeholders so to be chosen as aforesaid shall be assistants to the said constable or constables, overseer or overseers of the poor, in conducting the election to be then and there holden of inspectors of the general election for that year, and in judging of the qualifications of such persons as shall offer themselves at such election of inspectors, as electors, and in making return of such election; and when two assistant's shall be chosen as aforesaid, the said constable or overseer shall, without delay, proceed to the election by ballot of two resident freeholders, qualified as aforesaid, to be inspectors as aforesaid; and the said election of inspectors shall be open between the hours of two and three of the clock in the afternoon and shall be kept open and continued till the hour of six of the clock in the afternoon of the same day, when the poll of the same election shall be closed, the number of votes ascertained, and the persons who shall be highest in vote publicly declared; and the said constable or overseer, [with the assistants aforesaid,] shall certify in writing the names and the additions of the two highest in vote, as the inspectors of their town, township, ward or district, and the said constable or overseer of the poor [shall] deliver the same certificate to one of the judges of election, at the place of general election of the city, county or district, on the Tuesday next following before the hour of nine of the clock in the forenoon, under the penalty of ten pounds, to be forfeited and paid by the delinquent constable [or] overseer of the poor, and such constable or overseer of the poor and their assistants and every of them shall take care to give as early notice as may be to the persons who shall be so chosen inspectors of the general election, and such constable or constables and in case there be no constable the overseer or overseers of the poor of the township or place shall give notice eight days before every such election of inspectors of the time and place of such election, to the electors of the township or place, and for that purpose there shall be made out six or more writings setting forth the same in a plain and legible manner, and he or they shall affix the same writings at six or more of the most noted places within the town, township,

ward or district, respectively; Provided that the freemen of the township of the Northern Liberties in the county of Philadelphia, shall choose in like manner four inspectors, whereof two shall be the inspectors in manner aforesaid, to serve at the elections to be holden for the same county; and the persons so chosen or appointed shall be subject to like penalties as others.

[Section III.] (Section VI. P. L.) And be it further enacted by the authority aforesaid, That the justices of the peace of the city of Philadelphia and the justices of the peace of the several counties, at their general quarter sessions of the peace holden one month at the least before the next ensuing general election in every year, shall nominate three able and intelligent freeholders residing within the district of any county which is divided into districts for the purpose of elections, or otherwise residing within the county, as judges of the election to be holden in each district or place as aforesaid; Provided that the justices of the peace of the city of Philadelphia shall not intermeddle in appointing judges of the elections to be holden for the county without the city of Philadelphia.

[Section IV.] (Section VII. P.L.) Provided nevertheless and be it enacted by the authority aforesaid, That the judges and inspectors aforesaid for this present year one thousand seven hundred and eighty-five, shall be chosen as heretofore, anything in this law to the contrary notwithstanding.

[Section V.] (Section VIII. P.L.) And be it further enacted by the authority aforesaid, That the clerk of the peace of the proper county and of the city of Philadelphia shall deliver a certified transcript of the appointment of the judges of each place of election to the sheriff of the same county within five days after such appointment, who shall serve a copy of the same on the aforesaid judges respectively at least ten days before the next day of general election; and if any judge of election, being properly notified of his appointment as aforesaid, shall neglect to attend at the place of election for which he shall be appointed by nine of the clock of the forenoon of the day of general election, or shall neglect or refuse to take upon him the office of judge of election, every such delinquent shall

forfeit and pay the sum of twenty pounds, unless he render a sufficient reason for his non-attendance to the next court of general quarter sessions to be holden for the proper county or of the city of Philadelphia, who are hereby authorized to inquire into the same and determine accordingly and if any such judge shall be absent whether wilfully or by reason of sickness or other disability at the opening of the poll of any election, his place shall be immediately supplied out of the qualified freeholders who shall be then present by the other judges of election, and the newly named judge shall act and do the duty in the stead of such absent person under penalty of twenty pounds.

[Section VI.] (Section IX. P.L.) And be it further enacted by the authority aforesaid, That both of the persons who shall be returned as aforesaid as inspectors of any place shall attend at the proper place and day of general election at nine of the clock in the forenoon in order that out of the two persons so chosen and returned for each township or place one of them may be selected by lot by the judges of election, in the presence of the inspectors chosen and returned to serve at that place and time; and the inspector so selected shall be the inspector for the year ensuing; but if one only of the persons who shall be returned as inspectors for any township or place attend, then such person shall act as inspector; and if one or either of the said inspectors shall not attend at the proper place of election in due time, every such delinquent shall forfeit the sum of twenty pounds, provided he hath had sufficient notice of his election and shall not be able to show due cause of absence, and the judges of the election shall forthwith appoint a suitable person to be inspector in the room and stead of such absent person who shall perform the duties and be subject to the like penalties as the other inspectors.

(Section X. P. L.) And whereas by the sixth article of the frame of government, taken with and explained by the seventh section of the bill of rights, the privilege of voting at elections and being elected into office within this commonwealth depends upon being rated for and paying public taxes, and the

freemen thereof, however otherwise qualified, must be possessed of this qualification also:

[Section VII.] (Section XI. P.L.) Be it further enacted by authority aforesaid, That the commissioners of the several counties within this state shall, five days at the least before the second Tuesday in the month of October in every year, furnish and deliver to one of the judges of election of the proper county, a separate alphabetical list of the names and surnames of all the male taxable persons inhabiting or seized of real estate within each township, district or ward within the county, taken from the last assessment of the county rates and levies, to which county rates and levies every person who shall not be exonerated on account of his poverty is and ought to be contributory, and the same lists shall be made out by the clerk of the commissioners and paid for out of the county stock, and before the elections of members of assembly shall be opened, the same lists or a copy thereof shall be distributed to and among the inspectors, to enable them severally to ascertain whether the persons who shall offer to vote at such election be taxable or not; and if the commissioners of any county shall neglect to furnish and deliver the said lists as aforesaid every such delinquent commissioner shall forfeit and pay the sum of fifty pounds for his neglect in not delivering the same.

(Section XII. P.L.) And whereas great uncertainties and inconveniences would be introduced by freemen entitled to vote at the elections regulated by this act voting at such elections out of their respective districts, as generally they will be personally known near their homes, and their claim to vote most easily examined, and it would break through and derange the equality of representation in the general assembly, depending on the numbers of taxable persons within each county, which the constitution of this commonwealth has directed to be regulated anew at the end of every seven years, if the citizens of this state were admitted to poll at any such elections, without their proper counties, or in case the county be divided into districts, without their proper districts; And whereas the giving his suffrage at the same election is by the constitution con-

sidered as the personal privilege of every qualified freeman, and not attached to, or dependent upon landed property:

[Section VIII.] (Section XIII. P. L.) Be it therefore enacted by the authority aforesaid, That no person entitled to vote at any election of inspectors, representatives or representative to serve in the general assembly, counsellor, sheriffs, coroners, commissioners or commissioner of a county, or of the city of Philadelphia, or wardens of the same city, which elections are regulated by this act, shall give his vote or suffrage at any other place of election than that of the county at large (in case the same county be not divided into districts for the purpose of holding general elections) or the city of Philadelphia, or the district for the purpose of holding such elections within which such person inhabits; and unless the vote of such freeman be delivered to the proper inspector of the township, ward, or place wherein such freeman inhabiteth his vote shall be utterly void and shall not be reckoned among the legal votes given at the same election. And whereas the court of common pleas of the peace in and for the county of Bedford happens this year on the day of the annual elections;

[Section IX.] Be it enacted by the authority aforesaid, That such of the freemen of the aforesaid county of Bedford as are necessarily called to attend said court and who are legally qualified may give in their votes at the court house in the same county at the ensuing election only, anything in this law to the contrary notwithstanding.

[Section X.] (Section XIV. P.L.) And be it further enacted by the authority aforesaid, That the general elections of this commonwealth shall begin on the second Tuesday in the month of October annually, between the hours of ten of the clock in the forenoon and one of the clock in the afternoon, and the poll thereof shall be carried on without interruption or adjournment till seven of the clock in the afternoon of the same day, other than the elections to be holden for the city and county of Philadelphia, the poll whereof shall be carried on without interruption or adjournment, until eight of the clock of the afternoon of the same day and no longer, and no votes shall be received afterwards, and that every person coming to his proper

place of election to elect members of assembly or other officers there to be chosen, shall deliver in writing, on one piece of paper, the name or names of the person or persons for whom he votes as his representative or representatives in assembly; and when a counsellor for the city or any county is to be chosen, the name of the person for whom such elector shall be disposed to vote; and on one other piece of paper the names of such persons as the elector chooses to be sheriffs and coroners; and on one other piece of paper, the name or names of such person as the elector chooses as commissioner and commissioners of the proper county; and the several electors shall separately fold up their respective papers or tickets, turning out to view 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 the box to be kept by him for that purpose, till the poll be closed. And if any judge of election, inspector, or other person before the polling of the tickets be closed, shall presume to unfold, open or pry into any such ticket, with design to discover the names of the candidates thereon written, every person so offending shall forfeit and pay the sum of twenty pounds to the party grieved, to be recovered with costs, by bill, plaint or information, in any court of record. And if any elector doth presume to 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 five pounds for every such offence, to be recovered as in the case of inspectors, and shall moreover forfeit his vote at such election.

[Section XI.] (Section XV. P.L.) And be it further enacted by the authority aforesaid, That the judges of election of any district or of the whole county as the case may be, shall appoint such and so many clerks of the said election (being severally of the age of twenty-one years and upwards) as they shall deem to be necessary, two of which clerks shall take down in writing the name of every elector, as he cometh to vote, until the poll be closed, such name being pronounced aloud by the inspector, who shall receive the ticket or tickets of such elector, and repeated in like manner by such clerks, one after the other. And when the poll shall be closed, the aforesaid boxes wherein

the folded papers or tickets shall be deposited, shall be opened, one by one; and one of the said judges, in the presence of the inspectors, shall deliberately take out and read aloud the names written thereon respectively, whilst two or more of the said clerks shall carefully enter and keep account of the same on papers prepared in columns for that purpose, so that the number of votes for each candidate tallied thereon, may be readily cast up and known; after which shall be ended, the judges of the election shall openly and publicly declare the name or names of the person and persons which shall be oftenest repeated on the said tickets, and so on till the number of persons to be chosen shall be so declared. But if upon opening any of the said tickets there be found any more names written 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 accounted among the votes.

[Section XII.]. (Section XVI. P.L.) And be it further enacted by the authority aforesaid, That in receiving the said tickets from the qualified electors at the place of general election, so many of the inspectors, not less than two nor more than six except in such districts that contain less than two townships, shall sit together at any door or window of the house where such election shall be holden, as shall be agreed on and directed by the majority of the judges of such election; and that over or near to such door or window whereat such inspectors shall be placed as aforesaid, the name of the town, townships, wards and districts whose 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 respective towns, townships, wards and districts, may readily find their inspector or inspectors, in order to deliver to him or them their tickets as aforesaid.

[Section XIII.]. (Section XVII. P.L.) And be it further enacted by the authority aforesaid, That the inspectors of the several towns, townships, wards and districts, within this commonwealth, shall not receive any votes or tickets from any person or persons whatsoever, other than the votes or tickets of qualified freemen residing within their several precincts, and

that the name of each elector whose ticket shall be received by any inspector and the place of his abode being called out aloud as aforesaid, shall be entered by the clerks aforesaid, and such person's name shall be also marked in the alphabetical list of the proper township or place by the inspector thereof, by writing the word voted in the margin of such list opposite to the name of such elector; but if such elector be sworn or affirmed, as is hereinafter directed, the word, sworn, or the word affirmed shall be also written thereon.

(Section XVIII. P.L.) And whereas doubts have arisen whether young men within this state, who on the first day of October which was in the year of our Lord one thousand seven hundred and seventy nine, when an act of General Assembly was passed, entitled "A further supplement to the test laws of this state."<sup>2</sup> were under the age of eighteen years, [who have since attained] and who shall hereafter attain, to their full age, can be admitted to vote at elections, if they be otherwise qualified.

[Section XIV.] (Section XIX. P.L.) Be it therefore declared by the authority aforesaid, That the said young men respectively who are or shall be otherwise qualified according to the constitution and laws of this commonwealth, are and shall be entitled to vote at the general elections, and to every privilege of the qualified freemen of this state, upon taking and subscribing the oath or affirmation of allegiance and abjuration prescribed to be taken by an act of 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,"<sup>3</sup> passed on the thirteenth day of June, in the year of our Lord one thousand seven hundred and seventy-seven: Provided, that at the time of election they severally produce to the proper inspector the certificate of taking and subscribing the same oath or affirmation which is directed in and by the act last aforesaid.

(Section XX. P.L.) And whereas it is provided by the bill of rights, that to entitle any freeman to vote in the election of

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<sup>2</sup> Chapter 852.

<sup>3</sup> Chapter 756.



this commonwealth, he should have a sufficient evident interest with and attachment to the community; and civil tests in proper cases are not only necessary for the public safety but are allowed of by the constitution of this state, which forbids any other religious test than that contained in the tenth section of the frame of government; and it is requisite that the test laws heretofore passed in this state should be carefully regarded in all elections under this act:

[Section XV.] (Section XXI. P.L.) Be it therefore enacted by the authority aforesaid, That no male white inhabitant of this state, although he be otherwise qualified, (other than persons, who have served in a military capacity as hereinafter is set forth,) who was resident in this state on the first day of October which was in the year of our Lord one thousand seven hundred and seventy-nine, and was then above the age of eighteen years, shall be admitted to vote at any election under this act, who hath not taken the oath or affirmation of allegiance and abjuration, appointed to be taken by the act of 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,"<sup>3</sup> on or before the first day of June one thousand seven hundred and seventy-eight; or who did not take the oath or affirmation prescribed and directed to be taken by an act of assembly passed on the fifth day of December one thousand seven hundred and seventy-eight; within the time limited by an act entitled, "A further supplement to the test laws of this state,"<sup>4</sup> passed on the first day of October, one thousand seven hundred and seventy-nine; nor unless he produces a proper certificate to the inspector of his township, district, or ward of his having taken the same oath or affirmation accordingly; or if his certificate thereof be lost, unless he make oath or affirmation of his having taken the same as aforesaid, which last mentioned oath or affirmation such inspector or any judge of the election may administer. And no man who hath removed to this state from some other of the United States of America since the first day of October one thousand seven hundred and seventy-nine, although he have

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<sup>4</sup> Ante.

brought with him an authentic certificate of his taking an oath or affirmation of allegiance to the state from which he removed, nor any stranger from foreign parts who has come into this state, although he have resided therein one full year, nor any person who in the line or as a staff officer or soldier in the armies of the United States of America or who has served this state in a military capacity before the said first day of October, shall be admitted to vote at any such election unless he produce to the proper inspector an authentic certificate of his having taken one of the oaths mentioned and required in and by the acts afore recited, obliging the inhabitants of this state to give assurances of allegiance to the same.

(Section XXII. P.L.) \*Provided nevertheless, That every freeman of the counties of Westmoreland, Washington and Fayette, who shall be otherwise qualified to vote at any election regulated by this act and who shall have taken the oath of allegiance and fidelity to the commonwealth of Virginia when such freeman was under the jurisdiction of the same, upon producing a certified copy or certificate thereof, or if the same be mislaid or lost, swearing or affirming in the presence of the inspector of the proper township or judge of election that he hath taken such oath or affirmation, shall be admitted to vote as a qualified freeman of this commonwealth.

(Section XVI. P.L.) (Section XXIII. P.L.) And be it further enacted by the authority aforesaid, That no person who shall refuse to take the following oath or affirmation in case he be required to take the same by an inspector or judge of election or in case the same be demanded by any two freeholders shall be admitted to vote at any election to be holden under this act; and the same oath or affirmation shall be to the following effect; "that such person is of the age of twenty-one years and a freeman resident within this state for the space of one whole year and that he hath paid public taxes within that time; (or that such person is the son of a freeholder who payeth taxes,") And any person who shall openly attest accordingly (if he be qualified to vote under the test laws of this state and shall make the same to appear as hereinbefore directed) shall be admitted to vote at the proper place of election under this act unless he

have forfeited his privileges of voting at elections under this act by his misbehavior as herein after declared.

[Section XVII.] (Section XXIV. P.L.) And be it further enacted by the authority aforesaid, That as soon as any election to be holden as aforesaid shall be finished and the persons who shall be highest in vote declared, the judges of such election, in case the county be divided into districts as aforesaid, shall make out, under their hands and seals a fair state and certificate of the number of votes which shall have been then and there given for each candidate or person voted for, distinguishing the stations and offices for which such election was holden, which numbers shall be expressed in words at length and not in figures only; and one or more of the judges of the district shall take charge of such certificate and within two days after produce the same in a meeting of all the judges of the county or of one judge from each district within the same county at the court-house of the county, 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 to any person and persons throughout the same, and shall publish and declare the persons who shall thereupon be found to be highest in vote and elected as representatives, counsellor, or officers of the county. And the same judges so met at the county court-house as aforesaid shall within the space of three days next after the day of election make due return by duplicated certificates under their hands and seals to the general assembly of this commonwealth, of the election of representatives; and to the supreme executive council, of the other officers who shall be chosen as aforesaid, and shall lodge the same with the prothonotary of the proper county in order that one of each of the said certificates may be transmitted without delay to the secretary of the supreme executive council, and the other certificate of the election of commissioner or commissioners of the county shall be delivered to the Clerk of the peace of the county to be laid before the justices of the peace of the county at their [next] general quarter sessions of the peace, who shall order the same to be recorded as the law directs. And in the city of Philadelphia and in such counties wherein the said elections

shall be holden for all the townships therein at one place the said elections shall be carried on and conducted and the return thereof made without delay in like manner as is hereinbefore directed, as nearly as the different circumstances thereof shall permit, and when a writ for any occasional election shall be issued by the speaker of the general assembly, by the order of the house or by the president [or vice-president] in council, the sheriff or other person to whom such writ may be directed shall forthwith give due and public notice thereof throughout the county eight days before the holding such election, and shall send a copy thereof to each of the judges of the county or to one of the judges of each district therein in case such county be divided for the purpose of election, and such election shall be holden and conducted in the like manner as aforesaid 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, and such election shall be holden within fifteen days after the said writ shall be received by the Sheriff or other person to whom it shall be directed.

[Section XVIII.] (Section XXV. P.L.) Be it 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 of their being so chosen to each member of assembly and executive council who shall be elected and reside in their respective district within four days next after the said meeting of the said judges.

(Section XXVI. P.L.) And whereas the freedom and security of election is of the utmost importance to the public welfare:

And whereas it is directed and established by the constitution of this commonwealth that all elections, whether by the people or in the general assembly, shall be by ballot, 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 suffer such other penalty as the future laws shall direct; and that any person who shall directly or indirectly, give, promise or bestow any

such reward, to be elected, shall be thereby rendered incapable to serve for the ensuing year: And whereas proper and adequate punishments ought to be provided and declared for effectually restraining and correcting the aforesaid offences:

[Section XIX.] (Section XXVII. P.L.) Be it therefore enacted by the authority aforesaid, That it be made 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, every person who shall be guilty of such intimidation, threats, force or violence, being convicted thereof by the verdict of a jury, shall be fined and imprisoned for the same at the discretion of the court. And the further penalty directed as aforesaid by the constitution on the person who shall receive any gift or reward for his vote at any election shall be such fine not exceeding fifty pounds and such imprisonment not exceeding the term of six months, as the court of the proper county wherein such offence shall be convicted, shall upon the due consideration of the case think proper to award against him, 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 in the proper county be liable to fine and imprisonment at the discretion of the court before whom such conviction shall be had.

[Section XX.] (Section XXVIII. P.L.) And be it further declared and enacted by the authority aforesaid, That the president or vice-president, with the Council are and shall be competent judges of the election of every person who shall be returned to serve as sheriff or coroner; and for that purpose the president or vice-president with the Council may send for papers, persons and records and may summon witnesses to appear before them and may compel their appearance accordingly; and may examine such witnesses upon oath or affirmation respectively; or at their 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, pro-

vided opportunity be given to the parties interested to be present and to examine, and cross examine the said witnesses.

[Section XXI.] (Section XXIX. P.L.) And be it further enacted by the authority aforesaid, That if any person in taking any 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 so offending as aforesaid shall suffer such penalties and disabilities as are incurred on conviction of wilful and corrupt perjury or subornation of perjury respectively; and if any person shall knowingly publish, utter or make use of false or forged certificate required by this act or by the test laws with intent to impose the same upon or to deceive any judge or inspector at any election, such person shall be deemed guilty of a cheat and shall be proceeded against and suffer as such.

[Section XXII.] (Section XXX. 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 as aforesaid; 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 XXXI. P. L.) And in order that the representatives of the freemen of this commonwealth and the supreme executive council may be the better enabled to judge of the merits of any election of their members, respectively, which may be controverted.

[Section XXIII.] Be it enacted by the authority aforesaid, That as soon as any such election shall be finished, the tickets, list of taxables, poll lists and tally papers 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 election and two or more of the inspectors, and shall be kept by some justice of the peace of the county to answer if need be

the call of the speaker of the assembly or of the president or vice-president in council. And if any judge of election, inspector, clerk or other person shall deface, alter or embezzle any of the same tickets, lists or tally papers, such person so offending shall forfeit and pay fifty pounds for every such offence 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.

[Section XXIV.] (Section XXXII. P.L.) And be it further enacted by the authority aforesaid, That at the time and place of election and before the poll be begun one of the judges of election of the county or district (if no justice of the peace be present to officiate therein) shall openly and publicly administer the oaths or affirmations hereinafter directed in the manner which is directed by law in other cases, to the other judges inspectors and clerks of such election, respectively; and the oath or affirmation of a judge shall be as followeth: "I, A. B. do swear (or affirm) that I will duly attend the ensuing election throughout the continuance of the same and that I will truly and faithfully assist the other judges and inspectors thereof according to my best ability according to law; and that I will endeavor to prevent all fraud, deceit and abuse in the carrying on of the same and that I will make due return of the same."

And the oath or affirmation of the said inspectors shall be as followeth;

"I, A. B. do swear (or sincerely and truly declare and affirm) that I will duly attend the ensuing election, during the continuance of the same, as one of the inspectors thereof, and that I will truly and faithfully perform my duty therein to the best of my abilities, and that I will not receive any ticket or vote from any elector who shall offer the same until he produce a certificate or other sufficient proof of his having taken an oath of allegiance to this commonwealth agreeably to the directions of the act of assembly entitled "An Act to regulate the general elections of this commonwealth and to prevent frauds therein," according to law, and that I will endeavor to prevent all fraud, deceit and abuse whatever of electors or others in carrying on the same."

And the oath or affirmation of each of the clerks, who shall be employed at such election shall be as followeth:

“I, A. B. do swear (or affirm) that I will impartially and truly to the best of my ability write down the name of each elector who shall poll at the ensuing election which shall be given to me in charge and also the name of the town, township, ward or district wherein such elector shall reside, and that I will carefully and faithfully mark down the number of votes (whilst I shall be therein employed) that shall be given for each candidate at the election as often as his name shall be read unto me by the judges of this election.” And as soon as the judges, inspectors and clerks shall be severally sworn or affirmed as aforesaid the judge of such election administering said oaths or affirmations shall take the like oath or affirmation as the other judges before some justice of the peace or if none such be present before the other judges or one of them; and the said clerks shall make out a list of the names of the judges, inspectors and clerks who shall be then and there assembled and who shall be sworn or affirmed as aforesaid and shall note thereon over against each of the same names that the person thereby denoted hath been so sworn or affirmed, and the same list, subscribed by two of the judges of the same election, shall be delivered into the charge of one of the nearest justices of the peace of the county.

[Section XXV.] (Section XXXIII. P.L.) And be it further enacted by the althority 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 one hundred pounds and shall be therefor forever disabled from holding any office or station of honor, trust or profit in this commonwealth, and such person shall be moreover disabled for life to elect or give his vote at any general election or any other election, whatever, to be holden within this state. And if any judge of election, inspector, clerk, constable, or overseer of the poor at any of the elections directed and regulated by this act, shall take upon himself the duties incumbent upon him and shall afterwards refuse or neglect to do and perform the



same in the manner required by this act, or shall afterwards wilfully misbehave in the doing thereof, he shall forfeit and pay fifty pounds for every such offence; and every specific fine and forfeiture by this act declared and imposed on any person (not otherwise directed) who shall become liable to the same, shall be recovered by actions of debt founded on this act, to any person who shall sue for the same in the court of common pleas of the county or in the supreme court, or by information or indictment to the use of the informer or prosecutor; [but] if the same fine and forfeiture exceeds not ten pounds, then the same shall be recovered to like use before any justice of the peace of the county in a summary way as small debts are or shall be recoverable, but in case the fine or forfeiture be unfixed, the same shall be recovered by indictment and on every recovery as aforesaid the plaintiff, informer or prosecutor shall recover his costs as in other cases wherein costs are recoverable.

(Section XXXIV. P.L.) Provided always, That all suits and prosecutions against any person by virtue of this act be brought within the proper county [and within] six months next after the cause of such suit or prosecution shall accrue and not otherwise.

[Section XXVI.] (Section XXXV. P.L.) And be it further enacted by the authority aforesaid, That the judges, inspectors and clerks, whilst employed in the duties required of them by this act shall respectively receive, for their expenses and services the sum of eight shillings and four pence per diem, and no more, to be paid by the county 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 respective county.

[Section XXVII.] (Section XXXVI. P.L.) An be it further enacted by the authority aforesaid, That the two acts of general assembly passed in the late province of Pennsylvania in the year of our Lord one thousand seven hundred and five, one of which is entitled, "An act to ascertain the number of the members of assembly and to regulate the elections,"<sup>5</sup> and the other of the said acts, is entitled, "An act for regulating elec-

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<sup>5</sup>Passed January 12, 1705-6, Chapter 137.

tions of sheriffs and coroners,"<sup>6</sup> and one other act of general assembly of the said province entitled, "An act for amending the several acts for electing members of assembly,"<sup>7</sup> passed on the first day of March in the year of our Lord one thousand seven hundred and forty-five, and one other act of general assembly, entitled, "An Act directing the choice of inspectors and for holding the general elections in this province,"<sup>8</sup> passed in the said province on the eighth day of February in the year of our Lord one thousand seven hundred and sixty-six, and also an act of general assembly of the said province for making the act last mentioned perpetual, passed on the twenty-sixth day of February in the year of our Lord one thousand seven hundred and seventy-three,<sup>9</sup> shall be and the same are hereby repealed and made void.

[Section XXVIII.] (Section XXXVII. P.L.) And be it further enacted by the authority aforesaid, That the act of general assembly of this commonwealth, entitled, "A supplement to the act, entitled, "An act for amending the several acts for electing members of assembly,"<sup>10</sup> and also every of the acts of assembly for setting off, declaring and erecting new counties so far as the acts concerning new counties shall be supplied by or shall contradict this act, shall be and the same are hereby repealed and made void.

(Section XXXVIII. P.L.) Provided nevertheless, That no suit or prosecution now depending or that may be brought for any offence against the said acts of general assembly or any of them which are hereby repealed shall be discontinued, obstructed or delayed thereby, but the same shall be prosecuted to like effect as if this act had not been made.

[Section XXIX.] (Section XXXIX. P.L.) And be it further enacted by the authority aforesaid, That the election of wardens and commissioners for paving the streets of the city of Philadelphia shall be conducted in like manner as the elections to

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<sup>6</sup> Passed Jan. 12, 1705-6, Chapter 161.

<sup>7</sup> Chapter 364.

<sup>8</sup> Chapter 537.

<sup>9</sup> Chapter 633.

<sup>10</sup> Passed June 14, 1777, Chapter 57.

be holden for representatives in assembly for the same city are to be conducted by virtue of this act and not otherwise.

(Section XL. P.L.) And whereas difficulties have arisen upon reason of complaint of undue elections or undue return of members of general assembly and of the supreme executive council concerning the payment of the costs and charges thereupon arising, and no provision by law hath been heretofore made for the same:

For remedy whereof,

.[Section XXX.] (Section XLII. P. L.) Be it enacted by the authority aforesaid, That upon occasion of any complaint which shall hereafter be made to the general assembly or to the executive council respectively of any undue election or of any undue return of the election of representatives, or of a representative to sit in the general assembly or of a counsellor, that the costs and charges which upon such occasions shall be incurred by summoning and compelling the attendance of witnesses and the allowances to witnesses who shall attend to support such complaint and to support such election or return, shall be charged upon and born by the county wherein such election was held, and the costs and charges and the allowances so to be made as aforesaid being the same which are legally made in the courts of common pleas of the county, shall be paid by the commissioners of the proper county out of the county rate upon a certificate thereof under the hand and seal of the speaker of the general assembly, by order of the house, or by the president or in his absence the vice-president in council respectively.

(Section XLIII. P.L.) Provided always, That no county be subjected to any costs, charges nor allowances as aforesaid unless fifty at the least of the qualified electors of the proper county or city shall join in making such complaint, or in case the witnesses who shall be summoned as aforesaid shall not give testimony material to the subject of complaint, but the person or persons who shall make such complaint shall, in every such case personally and severally be answerable for such costs charges and allowances.

[Section XXXI.] (Section XLIII. P.L.) And be it further

enacted by the authority aforesaid, That [the freemen of] that part of the township of Upper Paxton situated on the south side of Peter's Mountain shall hold their elections at the place appointed for the freemen of [the] township of Lower Paxton.

[Section XXXII.] (Section XLIV. P.L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the judges of every general or particular election to be holden for representatives or a representative in the general assembly or for a counsellor, respectively, to have this act deliberately and audibly read, after the judges, inspectors and clerks thereof be severally sworn or affirmed, and in the hearing of the same judges, inspectors and clerks, and before the election be opened, in order that the provisions of this act may be known and duly attended to in conducting and carrying on the said election.

Passed September 13, 1785. Recorded L. B. No. 3, p. 5, etc

\* See the Acts of Assembly passed September 19, 1786, Chapter 1242; September 10, 1787, Chapter 1301; September 13, 1787, Chapter 1307; September 27, 1788, Chapter 1362; January 13, 1794, Chapter 1707; March 31, 1795, Chapter 1819; March 21, 1797, Chapter 1933; February 15, 1799, Chapter 2020; March 1, 1800, Chapter 2110; March 7, 1800, Chapter 2122.

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## CHAPTER MCLXXVI.

AN ACT TO APPOINT TRUSTEES TO PURCHASE A PIECE OF LAND WITHIN DESCRIBED BOUNDS AND THEREON TO ERECT A COURT-HOUSE AND PRISON FOR THE USE OF THE COUNTY OF WESTMORELAND.

(Section I. P.L.) Whereas the seat of justice for the county of Westmoreland hath not heretofore been established by law, for want of which the inhabitants of said county labor under great inconveniences;

For remedy whereof.

[Section I.] (Section II. P.L.) Be it 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 it shall and may be lawful for Benjamin Davis, Michael Rough, John Shields, John Pomeroy, and Hugh Martin, of the county of Westmoreland, or any three