

CHAPTER: MDCLVI.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO REGULATE THE TRIALS OF CONTESTED ELECTIONS."¹

[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 in all contested elections of a governor, or member of either branch of the legislature of this commonwealth, the person returned, and the candidate next highest in votes, shall be the parties in the trial thereof; and in case of the absence or neglect of such person next highest in votes, any one of the petitioners, duly qualified, who have signed the petition against such election, taking precedence according to the order in which they have signed the same, shall be considered as one of the parties.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That if either or both of the parties shall neglect to attend, for the purpose of objecting to and striking from the names drawn in pursuance of the provisions of the first and second sections of an act, passed on the twenty-ninth day of September, one thousand seven hundred and ninety-one, entitled "An act to regulate the trials of contested elections,"¹ the members of the senate and of the house of representatives jointly, or the members of either house separately, as the case may require, shall appoint one of their own number, in the place of either or both of the said parties so neglecting to attend, which member or members, so as aforesaid appointed, shall have full power and authority to do and perform every act and thing touching the same, in as valid and effectual a manner, as if the party or parties were personally present.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That no order shall be taken on

¹Chapter 1585.

any petition, unless the same is accompanied by a certificate from the treasurer, prothonotary, or any of the commissioners of the county or counties in which the petitioners reside, setting forth that the said petitioners, or as many of them as are required by the law to which this is a supplement, were, at the time of signing such petition, duly qualified electors.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all witnesses sent for and attending the trial of contested elections, shall be allowed six cents for every mile of the distance necessarily traveled by them, in coming to and returning from the place of such trial, and shall be allowed the sum of one dollar and thirty-three cents for every day they may be detained at the place of such trial, which mileage and expenses, as well as the expense of summoning the said witnesses, shall be taxed by the said committee appointed to try the election, and certified by their chairman to the speaker of one or both houses, as the case may require, and the amount thereof, the same being first approved by the house or houses to which such certificate is made, shall be paid by the treasurer of the county in which the facts complained of in such petition had taken place, on orders drawn by the speaker of either or both houses, as the case may require.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That committees appointed in pursuance of the provisions of the act to which this is a supplement, shall in all cases have power, not only to determine on the validity of contested elections, but also to decide which of the candidates has the greatest number of legal votes, which candidate shall thereupon be entitled to the seat or office, which he had been voted for at such elections.

(Section VI, P. L.) And whereas a contest has arisen respecting the last election of representatives for the county of Dauphin, and sundry expenses have been incurred in obtaining the testimony and conducting the trial respecting the said election: Therefore:

[Section VI.] Be it further enacted by the authority aforesaid, That the expenses incurred on the trial of the said con-

tested election, shall be paid, in all respects, agreeably to the rates set forth in the fourth section of this act.

Passed March 6, 1793. Recorded L. B. No. 5, p. (not given).

CHAPTER MDCLVII.

AN ACT TO AUTHORIZE TRUSTEES TO RECEIVE, FOR A LIMITED TIME, THE TOLL THEREIN MENTIONED, FROM TRAVELERS AND OTHERS GOING OVER THE BRIDGE ERECTED OVER CONOSTOGOE CREEK, IN LANCASTER COUNTY, WHERE MARTICK FORGE ROAD CROSSES THE SAME.

Whereas it hath been represented to the legislature, by the petition of John Miller, Adam Weaver, John Swenk, and John Miley, on behalf of themselves and others interested, that they have erected a bridge over Conostogoe creek, where Martick Forge road crosses the same, in the county of Lancaster, which hath been found very beneficial to the interests of the surrounding country; and for the purpose of defraying the expenses thereof, and also of raising a competent fund to keep the same in repair, they have petitioned the legislature, that an act may be passed, authorizing them to receive a reasonable toll from passengers over the said bridge, until the above mentioned purposes are accomplished; and it appears proper that the prayer of their petition should be granted: Therefore:

[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 it shall be lawful for John Miller, Adam Weaver, John Swenk, and John Miley, the survivors and survivor of them, and such persons as shall be appointed, in manner hereafter directed, to act as trustees, to demand and receive from travelers, and others, toll for passing over a bridge erected over Conostogoe creek, where Martick Forge road crosses the same, in the county of Lancas-