

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.

1802.

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.

1802.

Penalty for exercising any office or appointment by this act declared to be incompatible.

SECT. III. *And be it further enacted by the authority aforesaid,* That if any person, after the expiration of six months from the passing of this act, shall exercise any offices or appointments, the exercise of which is by this act declared to be incompatible, every person so offending, shall for every such offence, being thereof legally convicted in any court of record, forfeit and pay any sum not less than fifty nor more than five hundred dollars, at the discretion of the court; one moiety of the said forfeiture to be paid to the overseers, guardians, or directors of the poor of the township, district, county or place where such offence shall have been committed, to be applied to the support of the poor, and the other moiety thereof to the prosecutor who shall sue for the same.

Passed 12th February, 1802.—Recorded in Law Book No. VIII. page 83.

#### CHAPTER MMCCXXIV.

*An ACT to prescribe the times, places and manner, of choosing Senators, to represent this state in the Senate of the United States.*

WHEREAS, the constitution of the United States declares, that the times, places and manner of holding elections for Senators of the United States, shall be prescribed in each state by the Legislature thereof: Therefore,

The Legislature to elect Senators from this state, to supply vacancies in the Senate of the United States.

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 whenever a vacancy is about to take place in the representation from this state, in the Senate of the United States, in consequence of the expiration of the time for which a Senator was chosen, the Legislature shall proceed to supply such vacancy in the following manner, to wit: The members of both houses shall assemble in the chamber of the House of Representatives, at the hour of twelve, on the second Tuesday in December preceding the month of March, in any year, wherein a vacancy shall happen by the expiration of the constitutional term, for which such Senator was elected, and then and there elect a Senator or Senators, as the case may be, to represent this state in the Senate of the United States, which election shall be conducted in the following manner, viz. Before the time of meeting, each house shall appoint one teller, and nominate one or more candidate or candidates for Senator, and two days previously to the said meeting, communicate to each other the names of the persons so by them respectively appointed and nominated: At the meeting, the Speaker of the Senate, or in his absence, the Speaker of the House of Representatives shall preside; the names of the persons voted for, and the members voting, shall be entered in writing by the tellers, who shall report to the president the number of votes given for each candidate; if neither of the candidates shall have a majority of votes, of the whole number of the members present, a second poll shall be taken, and so from time to time,

Manner of conducting the election.