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Weekly by Benjamin Bannan, Pottsville, Schuylkill County, Pennsylvania.

VOL. XV | SATURDAY MORNING AUGUST 31, 1839. | NO. 35.

The New Election Law.

AN ACT RELATING TO THE ELECTIONS OF THIS COMMONWEALTH.

I—OF THE ELECTION OF INSPECTORS OF THE GENERAL ELECTION

SECTION 1. *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 the duty of the constable or constables, of each township, ward, district, at least ten days before the day hereinafter appointed for the election of inspectors, to give public notice, by six or more printed or written advertisements, affixed at as many of the most public places therein, of the time and place of holding such election.

§ 2. In case of the neglect, refusal, death or absence from the county, of the constable or constables, of any township, ward or district, the supervisors of the township or district, or the assessors of the ward, as the case may be, shall perform the duties hereinbefore required to be done by such constable or constables, under the like penalty. *Provided*, That the said supervisors or assessors shall not be required to give more than five days notice of the time and place for holding such election.

§ 3. The qualified citizens of the several wards, districts and townships, shall meet in every year, at the time and place of holding an election for constable of such ward, district or township, and then and there elect, as hereinafter provided, two inspectors, and one judge of elections.

§ 4. Each of such qualified citizens shall vote for one person as judge, and also for one person as inspector of elections, and the person having the greatest number of votes for judge, shall be publicly declared to be elected judge, and the two persons having the greatest number of votes for inspectors, shall, in like manner, be declared to be elected inspectors of elections.

§ 5. The election aforesaid shall be opened between the hours aforesaid, in the township, by a public proclamation thereof, made by two citizens appointed by said inspectors, and kept open until seven o'clock, P. M. of the same day, in the city of Philadelphia, where it shall be kept open until eight o'clock, in the afternoon, when the polls shall be closed, the number of votes be forthwith ascertained, and the persons highest in vote, publicly declared to be elected.

§ 6. The judges of the elections, within the limits of their respective wards, districts or townships, shall have power, and are hereby required to decide on the qualifications of any person claiming to vote at the election, whenever the inspectors shall disagree upon the right of such person to vote, but not otherwise, and the judge of the election shall, upon such decision, forthwith receive or reject the vote of such person as the case may be.

§ 7. Where any township has been or shall be, divided in forming an election district, the qualified citizens of each part of such divided township, shall severally elect in the manner and at the time and place aforesaid, two inspectors for each of said several election districts, and shall also elect one person to serve as judge of the elections in each district, to perform the duties enjoined by the sixth section of this act.

§ 8. It shall be the duty of the inspectors and judges of such election to make out duplicate returns of all the votes given at such election for inspectors and judge, one of which shall, with the tally lists and lists of voters be deposited in one of the ballot boxes, and the other be delivered by the judge of such election, within five days thereafter, to the prothonotary of the court of common pleas of the proper county, to be filed in his office; and the said inspectors and judge shall also make out a certificate of each person chosen as an inspector or judge, which certificate shall be delivered to the person so chosen, or left at his usual place of abode by the constable of the proper ward, district or township, within five days after such election.

§ 9. The qualified citizens of the several wards, districts and townships, shall meet on the Friday next preceding the second Tuesday of October next, at the several places now prescribed by law for holding the ward, district and township elections, and each of said qualified citizens shall vote by ballot for one person as judge, and also for one person as inspector of elections, and the person having the greatest number of votes for judge shall be publicly declared to be the judge of elections, and the two persons having the greatest number of votes for inspector shall be publicly declared to be inspectors of election. But when any township has been or shall be divided in forming an election district, judges and inspectors, of the election shall be chosen in the manner prescribed in the seventh section of this act.

§ 10. The inspectors and judges so elected shall hold the general elections on the second Tuesday in October next, and also the township elections on the third Friday in March next, pursuant to the general provisions of this act, and shall take the same oaths, perform the same duties, and be subject to the same penalties as is therein prescribed.

§ 11. The election of said inspectors and judges shall be conducted by the officers now required by law to hold the elections for inspectors and assessors in the several townships of this commonwealth, and the same shall be conducted in the manner now prescribed by law, except so far as is otherwise herein specifically directed, and the officers for holding the general elections in the city of Philadelphia, and the several incorporated districts of the county of Philadelphia, shall act as officers in conducting said elections for judges and inspectors, in their several wards, districts and townships.

§ 12. The qualified voters shall also then and there elect one person as assessor for the ensuing year, and assessor and assistant assessor shall thereafter be elected at the time and places fixed by law for holding the elections for constable.

II—PROVISIONS RELATING TO THE GENERAL ELECTIONS.

§ 13. It shall be the duty of the sheriff of every county to give notice of the general elections, by advertisements posted up in the most public places in every election district, or by publication in one or more newspapers of the county, at least twenty days before the election, and in every such advertisement he shall—

I. Enumerate the officers to be elected.

II. Designate the place at which the elections is to be held.

III. He shall give notice that every person, excepting justices of the peace, who shall hold any office or appointment of profit or trust under the government of the United States, or of this state, or of any city or incorporated district, whether a commissioned officer or otherwise, a subordinate officer or agent, who is, or shall be, employed under the legislative, executive or judiciary department of this state, or of the United States, or of any city or incorporated district, and also that every member of congress, and of the state legislature, and of the select or common council of any city, or commissioners of any incorporated district, is by law incapable of holding or exercising, at the same time, the office or appointment of judge, inspector or clerk of any election of this commonwealth, and that no inspector, judge, or other officer of such election, shall be eligible to any office to be then voted for.

§ 14. The general, special, city, incorporated district and township elections, and all elections for electors of president and vice president of the United States, shall be held and conducted by the inspectors and judges elected as aforesaid, and by clerks appointed as is hereinafter provided.

§ 15. The inspectors and judges, chosen as aforesaid, shall meet at the respective places appointed for holding the election in the district to which they respectively belong, before nine o'clock in the morning of the second Tuesday in October, in each and every year, and each of said inspectors shall appoint one clerk, who shall be a qualified voter of such district.

§ 16. In case the person who shall have received the second highest number of votes for inspector, shall not attend on the day of election, then the person who shall have received the second highest number of votes for judge at the next preceding election, shall act as inspector in his place. And in case the person who shall have received the highest number of votes for inspector shall not attend, the person elected judge, shall appoint an inspector in his place, and in case the person elected as judge shall not attend, then the inspector who received the highest number of votes shall appoint a judge in his place, and if any vacancy shall continue in the board for the space of one hour after the time fixed by law for the opening of the election, the qualified voters of the township, ward or district, for which such officer shall have been elected, present at the place of election, shall elect one of their number to fill such vacancy.

§ 17. In case any clerk, appointed under the provisions of this act, shall neglect to attend at any election during said year, it shall be the duty of the inspector who appointed said clerk (or of the person filling the place of such inspector) to forthwith appoint a suitable person as clerk, qualified as aforesaid, who shall perform such duties for the year.

§ 18. The inspectors, judges and clerks aforesaid, before entering on the duties of their offices, shall openly take and subscribe the oath or affirmation in the manner directed which shall be administered to them by any judge, alderman or justice of the peace; but if no such magistrate be present, one of the inspectors of the election shall administer the oath or affirmation to the other judge and inspector, and then the inspector so qualified, shall administer the oath or affirmation to him.

§ 19. The following shall be the form of the oath or affirmation to be taken by each inspector, viz:

"I (A. B.) do that I will duly attend to the ensuing election during the continuance thereof, as an inspector, and that I will not receive any ticket or vote from any person other than such as I shall firmly believe to be, according to the provisions of the constitution and the laws of this commonwealth, entitled to vote at such election, with out requiring such evidence of the right to vote as is directed by law, nor will I vexatiously delay or refuse to receive any vote from any person who I shall believe to be entitled to vote as aforesaid, but that I will in all things, truly, impartially, and faithfully perform my duties therein, to the best of my judgment and abilities, and that I am not directly or indirectly interested in any bet or wager on the result of this election.

§ 20. The following shall be the oath or affirmation of each judge, viz:

"I (A. B.) do that I will as judge duly attend the ensuing election during the continuance thereof, and faithfully assist the inspectors in carrying on the same; that I will not give my consent that any vote or ticket shall be received from any person other than such as I firmly believe to be according to the provisions of the constitution and laws of this commonwealth, entitled to vote at such election, without requiring such evidence of the right to vote as is directed by law, and that I will use my best endeavors to prevent any fraud, deceit or abuse, in carrying on the same by the citizens qualified to vote, or others, and that I will make a true and perfect return of said election, and will in all things truly, impartially and faithfully perform my duty respecting the same, to the best of my judgment and abilities, and that I am not directly or indirectly interested in any bet or wager on the result of this election."

§ 21. The following shall be the form of the oath or affirmation to be taken by each clerk, viz:

"I (A. B.) do 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 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 inspector thereof, and in all things truly and faithfully perform my duty respecting the same to the best of my judgement and ability, and that I am not directly or indirectly interested in any bet or wager on the result of this election."

§ 22. It shall be the duty of the said clerks forthwith to make out two copies of the forms of each of the said oaths or affirmations, which shall be severally subscribed by each of the inspectors, judges and clerks, and the said oaths or affirmations shall be certified under the hands of the persons by whom they shall be administered.

VII—ELECTION OF TOWNSHIP OFFICERS.

§ 51. The election for Assessors in the several townships, wards and districts in this commonwealth, shall be held and conducted under the same regulations as are hereinbefore provided.

§ 52. The election for all other township officers, authorized by law, shall take place as follows. It shall be the duty of the constable of every township, at least ten days before the day appointed by law for the election of the said townships officers, to give public notice, by ten or more printed or written advertisements, affixed at as many of the most public places therein, of the time and place of holding such election.

§ 23. The election of the said township officers shall be held during the same hours and by the persons appointed to hold the election of inspector and assessors on the third Friday in March of every year, except in the counties of Bradford, Susquehanna, Potter, McKeane, Clearfield, Lycoming, Wayne and Pike, the township elections of which shall be held on the third Friday in February of every year.

§ 54. It shall be the duty of the said inspectors and judge, to make out a certificate of the election of each township officer aforesaid, which shall be signed by them and delivered to the constable of the proper ward, district or township, and by him delivered to the said officer, or left at his usual place of abode within six days thereafter.

§ 55. It shall be the duty of the said inspectors and judge to make out one other certificate, setting forth the votes given for each of the persons voted for, for the several township offices aforesaid, which they shall sign and deliver to the constable of the proper township, ward, or district, who shall within five days thereafter deliver the same to the clerk of the court of quarter sessions of the county, to be filed in his office.

§ 56. It shall be lawful for the electors of any township, ward or district, to change the place for holding the elections for inspectors and other officers of such township, ward, or district, in the manner following, to wit:

I. On the requisition in writing of at least thirty of the electors of the township, ward, or district, in case there are one hundred or more taxables in said township, ward or district, or of ten electors in case there are less than one hundred taxables in said township, ward or district, the constable shall give notice by at least ten printed or written handbills set up in the most public places within such township, ward or district, at least fifteen days before the time appointed for the purpose, that a meeting of the electors of the township, ward or district, as the case may be, will be held at the usual place of holding elections therein, at a certain day and hour to be appointed in such notice for the purpose of determining upon the expediency of changing the place of holding such elections.

II. If at the said meeting electors of said ward, district, or township, present, there be one hundred or more electors in said township, ward or district, of twenty electors of said township, ward or district, provided there be less than one hundred electors in said township, ward, or district, be present at the time appointed, the constable shall organize the meeting, and if at such a meeting a majority of the electors present shall determine by ballot that it is expedient to change the place of holding such election, two certificates thereof, and of the names of the qualified citizens voting at such meeting, shall be made out and signed by the officers of the meeting and attested by the constable, one of which shall be delivered by the constable to the town clerk, if there be one, and the other to the prothonotary of the court of common pleas of the county, to be filed in his office.

§ 57. It shall be the duty of the several assessors within this commonwealth, in making the enumeration now required by law, of the taxable inhabitants residing within their respective wards, districts and townships, to arrange the names of such taxables in alphabetical order.

§ 58. It shall be the duty of said assessors on or before the first day of August in each year, to cause at least one copy of the said alphabetical list of the taxable inhabitants to be posted up at the place where any coming election is to be held, and at such other places within such ward, district or township, as the commissioners of said county may think necessary to afford to the inhabitants thereof an opportunity of freely examining the same; and they shall further keep copies of the said returns in their office for possession, subject at all reasonable times to the inspection of any person without charge; and shall at any time ten days before the election, on the application of any person claiming to be assessed within their proper ward, district or township, or claiming a right to vote therein, as being between the age of twenty-one and twenty-two years, and having resided in the state one year, enter the name of such person upon the said return, and the said assessors on the ninth day preceding the second Tuesday of October in each year, shall sign and certify the return of the taxable inhabitants and qualified voters residing within their respective wards, districts and townships, and deliver the same to the county commissioners, to be by them held and handed over without addition or alteration, to the inspectors of the elections at the time required by law.

§ 59. It shall be the duty of said assessors respectively to attend at the place of holding every general, special, or township election during the whole time said election is kept open, for the purpose of giving information to the inspectors and judge, when called on in relation to the right of any person assessed by them to vote at such election, or such other matters in relation to the assessment of voters as the said inspectors or judge, or either of them, shall from time to time require, for which attendance said assessor shall be entitled to the sum of one dollar per day, to be paid as officers of election are paid by law; and when the township is divided for which said assessor is elected, he shall attend at the election district in which he resides and is entitled to vote.

VII—GENERAL PROVISIONS RELATING TO ELECTIONS BY THE CITIZENS.

§ 60. It shall be the duty of the commissioners of every county to cause to be delivered to one of the inspectors of every election district in the county on or before eight of the clock in the morning of the day of election, an alphabetical list of the names and surnames of all the white male taxable inhabitants of each ward, township or portion of township, (if the same shall be divided in such election district) within the same, who shall have been assessed for a state or county tax at least ten days before that day, and also, a sufficient number of boxes for containing the tickets, and of blank forms and returns made out in a proper manner and headed as the nature of the election may require.

§ 61. Every general and special election shall be opened between the hours of eight and ten in the forenoon, and shall continue without interruption or adjournment until seven o'clock in the evening, when the polls shall be closed except in the city and county of Philadelphia, when the polls shall not be closed before ten o'clock in the evening.

§ 62. The inspectors shall be placed so as most conveniently to receive the tickets of the electors, and over or near to the door, window, or other place at which the tickets are received, the name of the township, ward, or district, whose inspectors shall be there placed, shall be written or printed, in legible characters, so that the electors may readily find the inspectors to whom their tickets are to be delivered.

§ 63. No person shall be permitted to vote at any election, as aforesaid, other than a white freeman of the age of twenty-one years or more, who shall have resided within this state at least one year, and in the election district where he offers to vote at least ten days immediately preceding such election, and within two years paid a state or county tax, which shall have been assessed at least ten days before the election. But a citizen of the United States, who had previously been a qualified voter of this state, and removed therefrom and returned, and who shall have resided in the election district and paid taxes as aforesaid, shall be entitled to vote after residing in this state six months; *Provided*, That the white freemen citizens of the United States, between the ages of twenty-one and twenty-two years, and having resided in this state one year, and in the election district ten days, as aforsaid, shall be entitled to vote, although they shall not have paid taxes.

§ 64. Every person claiming a right to vote at any election, as aforesaid, shall if required by either of the inspectors, make proof

I. That he is a natural born citizen of this commonwealth; or

II. That he was settled therein on the twenty-eighth of September, one thousand seven hundred and seventy-six, and has since continued to reside therein, or

III. That having been a foreigner, who since that time came to settle therein, he took an oath or affirmation of allegiance to the same on or before the twenty-sixth of March, Anno Domini one thousand seven hundred and ninety, agreeably to the then existing constitution and laws, and on evidence of the said facts the oath or affirmation of such person shall be sufficient, or

IV. That he is a natural born citizen of some other of the United States, or had been lawfully admitted or recognized as a citizen thereof, on or before the twenty-sixth day of March, one thousand seven hundred and ninety, and as evidence thereof he shall if required by any judge or inspector of the election, produce a certificate in due form from some judge, prothonotary or clerk of a court, mayor, alderman or justice of the peace, or shall be examined on his oath or affirmation, or

V. That having been an alien he has been naturalized conformably to the laws of the United States, and as the only evidence thereof, he shall produce a certificate to that under the seal of the court where such naturalization took place, except where such person shall have resided in said ward, district, or township, for ten years or upwards next preceding such application to vote, in which case the oath of such applicant shall be prima facia evidence of naturalization.

§ 65. No person shall be admitted to vote whose name is not contained in the list of taxable inhabitants furnished by the commissioners as aforesaid, unless, First: He produce a receipt for the payment within two years, of a state or county tax assessed agreeably to the constitution, and give satisfactory evidence either on his own oath or affirmation, or the oath or affirmation of another, that he has paid such a tax, or on failure to produce a receipt, shall make oath to the payment of the same, or Second: If he claim a right to vote by being an elector between the ages of twenty-one and twenty-two years, he shall depose on oath or affirmation, that he has resided in the state at least one year next before his application, and make such proof of residence in the district as is required by this act; and that he does verily believe from the accounts given him that he is of the age aforesaid, and as to such other evidence as is required by this act, who requires the name of the person so admitted to vote shall be inserted in the alphabetical list by the inspectors and a mark made opposite thereto by writing the word "tax" if he shall be admitted to vote by reason of having paid a tax, or the word "age," if he shall be admitted to vote on account of his age, and in either case the reason of such vote shall be called out to the clerks, who shall make the like notes in the list of voters kept by them.

§ 66. In all cases where the name of the person claiming to vote is not found on the list furnished by the commissioners and assessor, or his right to vote whether found thereon or not, is objected to by any qualified citizen, it shall be the duty of the inspectors to examine such person on oath as to his qualifications, and if he claims to have resided within the state for one year or more, his oath shall be sufficient proof thereof, but he shall make proof by at least one competent witness, who shall be a qualified elector, that he has resided within the district for more than ten days next immediately preceding said election, and shall also himself swear that his bona fide residence, in pursuance of his lawful calling, is within the district, and that he did not remove into said district for the purpose of voting therein.

§ 67. Every person qualified as aforesaid, and who shall make due proof, if required, of his residence and payment of taxes, as aforesaid, shall be admitted to vote in the township, ward or district in which he shall reside.

§ 68. No inspector shall receive any ticket from any person other than an elector residing within the township, ward, or district, for which such inspector shall have been elected or appointed.

§ 69. Every voter may deliver written or printed tickets as he shall see cause, but each ticket shall be on a seperate piece of paper folded so as to conceal the name of the person or persons voted for, and containing on the outside and the designation of the office, and that only, thus—there shall be contained in one ticket the name of a person for governor; in one other ticket the name or names of a senator or senators; in one other ticket the name or names of a member or members of the house of representatives, and thus with respect to other offices as the case may be.

§ 70. It shall be the duty of each inspector who shall receive the ticket of an elector, to call out aloud the name of such elector, which shall be entered by the clerks in seperate lists, and the name shall be repeated by each of them, and the inspector shall insert the letter V in the margin of the alphabetical list, opposite to the name of such elector; and if such elector shall have been sworn or affirmed or produced a certificate or other evidence, as before provided, of having been naturalized, the inspector shall also note the same in the margin of such list, and where proof of residence is made, shall also note the name of the person making such proof.

§ 71. All tickets folded, and endorsed as aforesaid, and personally delivered by the voter and none other, shall, by the respective inspectors be deposited in seperate boxes, according to the office designated on the back of the ticket, and shall there remain until the poll be closed.

§ 72. When the poll shall be closed, the boxes wherein the tickets shall have been deposited, shall be opened one by one, and the inspectors, in the presence of the judge, shall deliberately take out such tickets and shall each read aloud the name or names written or printed thereon, respectively, and the clerks shall each carefully enter, as read each ticket as it is taken from the box, and keep account of the same on papers prepared for the purpose, so that the number of votes for each candidate tallied thereon may be readily cast up and known.

§ 73. If upon opening any ticket, as aforesaid there be found any more names written or printed on any of them than there ought to be, if any two or more such papers be decernably folded together, such tickets shall be rejected and not counted among the votes, but no ticket shall be rejected by reason of its containing fewer names than the proper numbers.

§ 74. As soon as the election shall be finished, the tickets, list of taxables, one of the lists of voters, the tally papers and one of the certificates of the oath or affirmation, taken and subscribed by the inspectors, judges and clerks, shall all be carefully folded and deposited in one or more of the ballot boxes, and such box or boxes, being closely bound round with tape shall be sealed by the inspectors and judge of the election and together with the remaining ballot boxes, shall set in one day thereafter be delivered, by one of the inspectors, to the nearest justice of the peace, who shall keep such boxes containing the tickets and other documents, to answer the call of any persons or tribunal authorized to try the merits of such election, and the other list of voters, tally papers and certificates, shall be enclosed by the said inspectors and judge in a sealed cover, directed to the prothonotary of the court of common pleas of the county, and shall by some one of them be delivered in his office within three days thereafter, where the same shall be filed.

§ 75. As soon as all the votes given for any office shall be read off and counted, the judges shall publicly declare the number of votes given for each person for such office, and the inspectors and judges of each election district shall make out a certificate under their hands and seals, setting forth in words at length, the number of votes given for the several persons voted for, and distinguishing the office or station in respect to which the votes were given.

§ 76. The said judge shall then take charge of the certificate aforesaid, and on the third day after the day of election, shall produce the same at a meeting of one judge from each district within the same county, at the court house of the said county; and for the city and county of Philadelphia, at the state house in the said city, except where such judge by sickness or unavoidable accident is unable to attend, in which case one of the inspectors or clerks shall take charge of said certificate and perform the duties required of said judge. *Provided*, That if the third day after the election shall be Sunday the meeting shall be held on the Monday next following.

§ 77. When five qualified voters of more than one ward, township or district, meet at the same place to hold their election, it shall be the duty of the respective judges of said election districts, in addition to the certificate required in the seventy sixth section of this act, to make out a fair statement and certificate of all the votes, which shall have been taken and there given for each candidate, distinguishing the office or station which he shall have been voted for; and one of said judges shall take charge of said certificate, and also of the several certificates made out for each election district as before directed, and produce the same at a meeting of all the judges in the county, in the manner prescribed in the seventy eighth section of this act.

§ 78. The judges of the several election districts in each county, being so met shall elect one of their number to act as president of the board; and, also, select two suitable qualified electors of the county, either a member of the board or otherwise, to act as clerks, who before entering on their duties, shall be severally sworn or affirmed to perform the duties of their office with honest and fidelity; and on the board being so formed it shall be the duty of the several said judges to deliver the certificates of election, in their respective districts, to the president of said board, who shall cause the clerks to open same, which shall appear, by said certificates, to have been given for any person or persons, in respect to each office or station; and said clerks, upon not returning judges, shall be allowed two dollars per day, in full for their services, and when returning judges, fifty cents in addition to the pay allowed by law to judges which in either case shall be paid out of the county treasury, on a certificate to be countersigned by the clerks signed by the president of the board.

§ 79. The clerks shall thereupon, in presence of the judges, make out fair copies in the manner hereinafter directed, which shall be signed by all the judges present and attested by said clerks, and it shall not be lawful for said judges or clerks, in casting up the votes which shall appear to have been given, as shown by the certificates in the seventy-sixth and seventy-seventh sections of this act, to omit or reject any part thereof except where, in the opinion of said judges, such certificates shall be defective as to prevent the same from being understood and computed in adding together the number of votes in which case it shall be the duty of said clerks to make out a true and exact copy of said paper or certificate, to be signed by said judges, and attested by said clerks, and attached to, and transmitted with said return, where the same is directed to be transmitted to the secretary of the commonwealth, and the original paper shall be deposited in the prothonotary's office, and by said officer copied and transmitted, with the returns of said section to the secretary as aforesaid.

§ 80. When the returns shall be completed, the president of the board of judges aforesaid shall forthwith lodge one of each of such returns in the office of the prothonotary or the court of common pleas of the county, and in the case of an election of electors for president and vice president of the United States, one other of the returns in the same office, and the other duplicates shall be transmitted as follows, viz.

I. In case of a governor, the remaining duplicate shall be enclosed in an envelope directed to the speaker of the senate, and endorsed according to the fact, which having been sealed, shall be enclosed in another envelope, sealed and directed to the secretary of the commonwealth, and the same shall forthwith be placed by the said president in the nearest post office.

II. In case of electors of president and vice president of the United States, and of members of the house of representatives of the United States and of county officers, to be commissioned by the governor, the remaining duplicate shall be enclosed in an envelope, sealed and directed to the secretary of the commonwealth and in like manner placed by the said president in the nearest post office.

III. In case of the election of a senator or senators of this commonwealth, the same shall be enclosed in an envelope sealed and directed "To the Senate of Pennsylvania," and in case of the election of a member or members of the house of representatives of this commonwealth, the same shall in like manner be enclosed in an envelope sealed and directed "to the house of representatives of Pennsylvania," and each of said returns shall be enclosed in an envelope, and directed to the secretary of the commonwealth and in this manner placed by said president in the nearest post office.

IV. In the case of county commissioners and county auditors, the remaining duplicates shall be deposited in the office of the prothonotary of the county.

§ 81. When two or more counties shall compose a district for the choice of a member or members of the commonwealth, or of the house of representatives of the United States or of this commonwealth, the judges of the election in each county having met as aforesaid, the clerks shall make out a fair statement of all votes which shall have been given at such election within the county for every person voted for as such member or members, which shall be signed by said judges and attested by the clerks, and one of the said judges shall take charge of such certificates, and shall produce the same at a meeting of one judge from each county, at such places in such district as is or may be appointed by law for the purpose, which meeting shall be held on the seventh day after the election.

§ 82. The judges of the several counties having met as aforesaid, shall cast up the several county returns and make duplicate returns of all the votes given for such office in said district, and of the name of the person or persons elected, and one of said returns for each office shall be deposited in the office of the prothonotary of the court of common pleas of the county in which they shall meet, and the other shall be by said judges deposited in the nearest post office, sealed and directed to the secretary of the commonwealth, in the manner directed in parts two and three, of the eighteenth section of this act.

§ 83. It shall also be the duty of the return judges in every case, to transmit to each of the persons elected to serve in congress or in the senate or in the house of representatives of this common wealth a certificate of this election within five days after the day of making up such return.

§ 84. It shall be the duty of the prothonotary of every county to whom the return of any election shall be delivered by the judges as aforesaid, where said judges are required to send a copy of said return to the secretary of the commonwealth, to make out a copy of such return certified under his hand and official seal, and forthwith to transmit such copy under a sealed cover to the secretary of the commonwealth by placing the same in the nearest post office. It shall also be the duty of the prothonotary of every county, to record all the election returns in a book to be procured for that purpose, and to lay the returns of the election of county commissioners and county auditors, and of all township officers before the court of quarter sessions of such county.

§ 85. It shall also be the duty of every prothonotary to give a certified copy of the list of voters and other papers deposited in his office by the judges of an election to any person applying for the same, on payment of the usual fees as in other cases.

§ 86. If the returns of any election which by this law are directed to be transmitted to the the secretary of the commonwealth shall not be received within fifteen days after the same are required to be deposited in the post office, it shall be the duty of said secretary to forthwith notify the prothonotary of the proper county to transmit without delay a certified copy of such returns.

§ 87. It shall be the duty of the secretary of the commonwealth, on the receipt of the returns of the election of any township or county officer who is by law to be commissioned by the governor, to forthwith lay the same before him, and on the first Tuesday in January in each and every year, as soon as the senate shall convene, to deliver all returns of election of senators for that year to the speaker of the senate.

§ 88. It shall be the duty of said secretary, between the hours of eleven o'clock A. M and one o'clock P. M. of the first Tuesday in January of each and every year to take into the hall of the house of representatives the several returns of the elections of members of said house.

§ 89. In all cases of election to fill vacancies in either branch of the legislature the secretary shall, on receiving the returns of such election, deliver the same without delay to the speaker of the house in which such vacancy occurred, and if said house is not in session when said return is received, then the same shall be delivered so soon as said house convenes.

§ 90. It shall be the duty of said secretary within five days after the meeting of the general assembly, to deliver to the speaker of the senate the returns of the election of governor received by him from the several counties of this commonwealth.

§ 91. Whenever the returns of an election for governor shall not be received from any county by the secretary of the commonwealth before the election of governor shall be published, every such return so delayed shall be considered as void, unless election be contested, in which case such returns shall be allowed to be of the same validity and liable to the same exceptions as other returns received in due time.

§ 92. Every inspector, judge, and clerk, as aforesaid, shall receive the sum of one dollar and fifty cents except the city and county of Philadelphia, where they shall receive two dollars each, for every day employed in the duties required of him by law in conducting the general, special or township elections, to be paid by the treasurer of the proper county, on orders to be drawn upon him by the commissioners, which allowance shall be in full for his services and expenses other than the milage hereinafter allowed, and in lieu of all kinds of refreshment which may have been customary to provide, and no such expense for refreshment shall be paid or allowed by the commissioners of any county.

§ 93. Every return judge shall be allowed, out of the treasury of his proper county, the sum of ten cents for every mile he shall necessarily have travelled in going to the place appointed by law for the meeting of return judges and in returning thence to his own house.

§ 94. It shall be lawful for the governor of this commonwealth in the representation of the board of health or of the municipal authority of any city, borough, town, or incorporated district in this commonwealth, that from the prevalence of any malignant or contagious disease, in such city, borough, town, or district, the lives of the electors may be in danger by attending at the places fixed by law for holding elections within the same, to direct the sheriff of the proper county to give notice that the elections for such city, borough, town, or district, will be held at such place within the limits or in the neighborhood of the same, as he the governor may judge most safe and convenient, and it shall be the duty of such sheriff to give public notice of such place in the manner hereinbefore required, at least seven days before the day of election, under the same penalty, as hereinafter provided.

§ 95. No body of troops in the army of the United States or of this commonwealth shall be present, either armed or unarmed, at any place of election within this commonwealth during the time of such election: *Provided*, That nothing herein contained shall be constructed as to prevent any officer or soldier from exercising the right of suffrage in the election district to which he may belong, if otherwise qualified according to law.

§ 96. In all cases where a sheriff is directed to perform any duty by the provisions of this act, and said sheriff is absent from the district or there is any vacancy in said office, the duty directed to be performed by the sheriff shall be done, and performed by the coroner of the proper county, who shall be entitled to the same fees and subject to like penalties.

§ 97. If the constables or supervisors of any township, ward or district, neglect or refuse to perform any of the duties herein required of him or them they shall respectively, on conviction, be fined in any sum not less than fifty nor more than one hundred dollars.

§ 98. If the commissioners of any county shall willfully omit to insert in the list of taxables, delivered by them to the inspectors, as before directed, the name of any person duly assessed and returned to them by the assessor, they shall on conviction thereof be fined and severally pay any sum not less than fifty nor more than one hundred dollars.

§ 99. If any person elected to serve as an inspector or judge as aforesaid, and having received due notice thereof shall neglect, or without good cause to attend on the day of election at the time appointed by law, he shall in every such case forfeit the sum of twenty dollars.

§ 100. If any inspector, judge or clerk as aforesaid, shall neglect or refuse to take upon himself the duties of such office, he shall forfeit and pay the sum of fifty dollars, or having entered upon the same shall afterwards neglect or refuse to perform the duties thereof according to law, he shall forfeit and pay the sum of one hundred dollars for every such offence.

§ 101. If an inspector, judge or clerk of an election, shall presume to act in such capacity before taking and subscribing the oath required by this act, he shall on conviction be fined in any sum not less than fifty, nor more than two hundred dollars.

§ 102. If any inspector, judge or clerk, as aforesaid, shall be convicted of any willful fraud in the discharge of his duties as aforesaid, he shall undergo an imprisonment for any term not less than three, nor more than twelve months, and be fined in any sum not less than one hundred dollars, nor more than five hundred dollars, and shall be for seven years thereafter disabled from holding any office of honor, trust or profit in this commonwealth, and shall moreover be disabled for the term aforesaid, from giving his vote at any general or special election within this commonwealth.

§ 103. If any inspector or judge of an election shall knowingly reject the vote of any qualified citizen, or knowingly receive the vote of any person not qualified, or conceal from his fellow officers any fact or the knowledge of which such vote should by law be received or rejected each of the persons so offending, shall on conviction, be punished in the manner prescribed in the one hundred and seventh section of this act.

§ 104. If any such inspector or judge shall receive the vote of any person whose name shall not be returned on the list furnished by the commissioners or assessor, without first requiring the evidence directed in this act, the person so offending shall on conviction be fined in any sum not less than fifty, nor more than two hundred dollars.

§ 105. If any judge of an election, inspector, clerk or other person, before the polls shall be closed, shall unfold, or open, or pry into any ticket, with a design to discover the name of any candidate therein, every person so offending shall, on conviction be fined in any sum not less than fifty nor more than one hundred dollars, and imprisoned for any time not less than one nor more than three months.

§ 106. If any person shall embezzle or unlawfully deface, alter, change, substitute or destroy any ticket, list of voters, tally paper or certificate, taken or made at any election as aforesaid he shall on conviction suffer imprisonment for a term not less than twelve months nor more than three years, at the discretion of the court, and be fined in any sum not less than one hundred nor more than one thousand dollars.

§ 107. If the commissioners of any county shall add or knowingly permit to be added, the name of any person to the list of taxable inhabitants furnished them by the assessor, and shall return such names to the inspectors of election, each commissioner concerned therein shall, on conviction thereof be fined in any sum not less than fifty nor more two hundred dollars.

§ 108. If any assessor shall intentionally neglect or refuses to assess any citizen of this commonwealth who is or shall be subject to assessment by law, or shall in like manner neglect or refuse to return the name of the person so assessed to the commissioners of the proper county or intentionally neglect or refuse to perform any other duty, enjoined on him by the provisions of this act he shall on conviction thereof be fined in any sum not less than fifty nor more than two hundred dollars.

§ 109. If the commissioners of any county shall neglect or refuse to furnish the inspectors of each election district within the said county, the lists, papers and boxes, required by the sixteenth section of this act each commissioner shall be subjected to a penalty of fifty dollars.

§ 110. If any person shall prevent or attempt to prevent any officers of an election under this act from holding such elections, or use or threaten any violence to any such officer, or shall interrupt or improperly interfere with him in the execution of his duty, or shall block up, or attempt to block up the window or avenue to any window where the same may be holden or shall riotously disturb the peace at such election, or shall use or practice any intimidation, threats, force or violence with design to influence unduly or overawe any elector, or to prevent him from voting or to restrain the freedom of choice, —such person on conviction shall be fined in any sum not exceeding five hundred dollars, and be imprisoned for any time not less than one nor more than twelve months. And if it shall be shown to the court where the trial of such offence shall be had that the person so offending was not a resident of the city, ward, district, or township where the said offence was committed, and not entitled to vote therein, then on conviction, he shall be sentenced to pay a fine of not less than one hundred nor more than one thousand dollars and be imprisoned not less than six months nor more than two years.

§ 111. It shall be the duty of every mayor, sheriff, deputy sheriff, alderman, justice of the peace, and constable, or deputy constable of every city, county and township, or district, within this commonwealth, whenever called upon by any officer of an election, or by any three qualified electors thereof, to close any window or avenue to any window at the place of the general election, which shall be obstructed in