

An ACT to regulate the election of members of the legislative council and general assembly, sheriffs and coroners, in this State.

A. D. 1797.

Passed the 22d of February, 1797.

I. **BE** IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the clerks of the courts of common pleas of the several counties in this State shall attend at the court house of their respective counties, on the first Monday in September in each and every year, and shall there receive, at any time between the hours of ten in the morning and five in the afternoon of the same day, from any person qualified to vote for members of the legislature for such county, a list of the persons proposed as candidates for members of the legislative council, members of the general assembly, sheriff and coroners of such county; which list such person or persons shall subscribe with his or their names, and may either deliver personally, or transmit by letter to the said clerks.

Clerks of the common pleas, when and where to receive nominations of candidates for the legislature.

II. **AND BE IT ENACTED**, That the said clerks of the court of common pleas, respectively, shall, on the same day, after the said hour of five o'clock, make a general list of all the persons nominated, and the offices for which they shall have been respectively proposed, and transmit a copy thereof within one week thereafter to each of the clerks of the several townships or precincts of the county; and no vote shall be received for any person on the day of election, unless he hath been previously nominated in the manner herein before mentioned.

List of nominations to be sent to the town clerks.

III. **AND BE IT ENACTED**, That the clerks of the several townships or precincts of each county shall, fourteen days before the second Tuesday in October in each and every year, put up, or cause to be put up, advertisements, in three or more of the most public places in such township or precinct, making known the time and place or places of holding the election, and the names of the persons proposed as candidates; and on the said second Tuesday in October yearly, the judge of election, assessor, collector and town clerk of every township and precinct, shall attend at the place of holding the town meeting, or at such other place as the people at their annual town meeting shall appoint; and the said clerk shall, on the same day, between the hours of nine and ten in the morning, put up in public view, on the door of the house at which the election shall be held, the general list received by him, or a fair copy thereof; and the said judge of election, assessor and collector, or any two of them, shall, at the said hour of ten o'clock, make or cause to be made public proclamation, that the poll is opened for the reception of voters, and shall judge and determine the persons that are qualified to vote agreeably to this act, as they respectively offer themselves for that purpose, and shall keep good order during the time of election, and may at any time during the day adjourn the poll for a short period, as occasion may require, in case no voters appear to give in their votes, and shall close the poll and certify the number of votes, in the manner herein after prescribed.

Town clerks to advertise the time and place of election, and the names of the candidates.

Duties of the judge of election, assessor, and collector.

IV. **AND BE IT ENACTED**, That the said judge of election, assessor and collector shall, severally, before they proceed to receive any votes, take the following oath or affirmation: "I do swear (or affirm) that I will, during this election, faithfully and impartially execute the duties and services required of me by law, and that I will not receive, or assent to the receiving the vote of any person, who I shall have reason to think is not by law entitled to vote in this election;" which oath or affirmation they are hereby respectively authorized and required to administer to each other, in a public manner, at the place of opening the election.

Form of the oath to be administered to them.

V. **AND BE IT ENACTED**, That the clerk of the township or precinct, or any person by him appointed for the purpose of the election, and approved of by the said judge, assessor and collector, or any two of them, shall take, before the said judge, assessor and collector, or any two of them, the following oath or affirmation: "I do swear (or affirm) that I will faithfully and impartially serve as clerk of this election, and execute the duties and services required of me by law."

Oath of the clerk,



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Clerks of the common pleas, when and where to receive nominations of candidates for the legislature.

II. **AND BE IT ENACTED**, That the said clerks of the court of common pleas, respectively, shall, on the same day, after the said hour of five o'clock, make a general list of all the persons nominated, and the offices for which they shall have been respectively proposed, and transmit a copy thereof within one week thereafter to each of the clerks of the several townships or precincts of the county; and no vote shall be received for any person on the day of election, unless he hath been previously nominated in the manner herein before mentioned.

List of nominations to be sent to the town clerks.

III. **AND BE IT ENACTED**, That the clerks of the several townships or precincts of each county shall, fourteen days before the second Tuesday in October in each and every year, put up, or cause to be put up, advertisements, in three or more of the most public places in such township or precinct, making known the time and place or places of holding the election, and the names of the persons proposed as candidates; and on the said second Tuesday in October yearly, the judge of election, assessor, collector and town clerk of every township and precinct, shall attend at the place of holding the town meeting, or at such other place as the people at their annual town meeting shall appoint; and the said clerk shall, on the same day, between the hours of nine and ten in the morning, put up in public view, on the door of the house at which the election shall be held, the general list received by him, or a fair copy thereof; and the said judge of election, assessor and collector, or any two of them, shall, at the said hour of ten o'clock, make or cause to be made public proclamation, that the poll is opened for the reception of voters, and shall judge and determine the persons that are qualified to vote agreeably to this act, as they respectively offer themselves for that purpose, and shall keep good order during the time of election, and may at any time during the day adjourn the poll for a short period, as occasion may require, in case no voters appear to give in their votes, and shall close the poll and certify the number of votes, in the manner herein after prescribed.

Town clerks to advertise the time and place of election, and the names of the candidates.

Duties of the judge of election, assessor, and collector.

IV. **AND BE IT ENACTED**, That the said judge of election, assessor and collector shall, severally, before they proceed to receive any votes, take the following oath or affirmation: "I do swear (or affirm) that I will, during this election, faithfully and impartially execute the duties and services required of me by law, and that I will not receive, or assent to the receiving the vote of any person, who I shall have reason to think is not by law entitled to vote in this election;" which oath or affirmation they are hereby respectively authorized and required to administer to each other, in a public manner, at the place of opening the election.

Form of the oath to be administered to them.

V. **AND BE IT ENACTED**, That the clerk of the township or precinct, or any person by him appointed for the purpose of the election, and approved of by the said judge, assessor and collector, or any two of them, shall take, before the said judge, assessor and collector, or any two of them, the following oath or affirmation: "I do swear (or affirm) that I will faithfully and impartially serve as clerk of this election, and execute the duties and services required of me by law."

Oath of the clerk.



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If the judge, assessor, or collector be disqualified or absent, another person to be elected, and by whom.

VI. AND BE IT ENACTED, That if the said judge, assessor, collector, or town clerk, shall be a candidate at such election, such person or persons shall be disqualified from serving or assisting to conduct the said election; and if the said judge, assessor and collector, or either of them, shall not be present at the time and place of holding the election, or shall be disqualified to hold the same, then, at the said hour of ten o'clock, the people present entitled to vote, shall proceed to choose a person or persons to serve in the stead of him or them so absent or disqualified; which person or persons, so chosen, shall take the oath or affirmation herein before required, and shall in all respects perform the duties and services, and be entitled to the same rewards, and subject to the like penalties as are herein after specified for the said judge, assessor and collector; and a certificate shall be made of such choice, signed by at least three reputable freeholders present, which shall be transmitted to the clerk of the court of common pleas of the county, within three days thereafter, whose duty it is hereby declared to be, to prosecute the person or persons so absent, in the manner herein after directed, unless the judges of the said court of common pleas, at the next term thereafter, shall admit the excuse of such absentee to be good and sufficient.

If town clerk be absent, or unable to execute the duties required by this act, by whom a clerk of election shall be appointed.

VII. AND BE IT ENACTED, That if the clerk of the township or precinct shall be absent, or by death, removal or other inability, be unable to perform the duties enjoined on him by this act, and shall not appoint any one in his stead, to be approved of as aforesaid, or shall be disqualified from acting, then the said judge, assessor and collector, or any two of them, shall be, and they are hereby empowered to appoint a fit person clerk of the election, who shall in like manner take the oath or affirmation herein before required of the town clerk, and shall perform the same duties and services, and be entitled to the like rewards, and be subject to the same penalties as are herein prescribed for the said town clerk; and a certificate of such appointment shall be made and signed by the said judge, assessor and collector, or any two of them, and transmitted to the clerk of the court of common pleas of the county, who shall in like manner prosecute such absent clerk, unless the judges of the court aforesaid shall admit his excuse.

Votes to be by ballot; and county clerks to provide election boxes.

VIII. AND BE IT ENACTED, That all elections held by virtue of this act shall be by ballot; and the clerks of the several counties shall provide at the expense of their respective counties, a number of election boxes, equal to the number of townships or precincts within their respective counties, and shall forward them to the clerks of the several townships or precincts for the use of such township or precinct, on or before the first Tuesday in October next; and each box shall be made about a foot square with a lid on the top, fastened with brass or iron hinges, and with two locks and keys thereto of different sizes and constructions, having an aperture of such size only as to admit a single ticket, and a sliding spring bolt placed on the inside, so as effectually to exclude the admission of any thing into the box during the time of adjournment, through which aperture all the ballots shall be put separately into the box.

Ballots, how to be delivered, and by whom to be received.

IX. AND BE IT ENACTED, That every voter shall openly, and in full view deliver his or her ballot (which shall be a single written ticket, containing the names of the person or persons for whom he or she votes) to the said judge, or either of the inspectors, who, on receipt thereof, shall, with an audible voice, pronounce the name of such voter, and if no objection is made to the voter, put the ballot immediately into the election box, and the clerk of the election shall thereupon take down the name of such voter in a book or poll list, to be provided for the purpose; and if an adjournment of the poll shall take place during the election, the aperture in the top of the box shall be secured by the bolt aforesaid, and the names on the poll list shall be counted, and the number put down in writing, and the said list locked in the box, and the keys kept separate by two of the persons hereby appointed to conduct the election.

On adjournment of the poll, how the election box is to be secured.

At the close of the poll, the poll list to be signed by the judge, inspectors, and clerk, the names numbered, and put down in writing; and then the box opened; the ballots counted, and the votes cast up.

X. AND BE IT ENACTED, That at the close of the poll, the aperture in the lid of the box shall be covered in the manner aforesaid, and the poll list shall be signed by the said judge and inspectors, or any two of them, and also by the said clerk; and the names contained therein shall be numbered, and the number put down in writing; after which the box shall be opened, and the ballots therein contained taken out, one at a time, by any one of the persons hereby appointed to conduct the election, who shall call out distinctly, while the ballot remains in his



his hands, the names contained therein, and for what offices, and then deliver the same to one of the other persons associated with him by this law, who shall distinctly read off, and file the same, and the clerk shall enter in distinct columns all the names contained in each ballot, and for what offices, and so on in like manner with the rest of the ballots contained in the box, to the amount of the number of names contained in the poll list; and if it shall so happen that there are a greater number of ballots than there are names on the poll list, then no more ballots shall be examined and enumerated than will amount to the number of names on the poll list; and if two or more ballots shall be found folded or rolled up together, or if a ballot shall contain more names than it ought to contain, or otherwise appear to be fraudulent, such ballot or ballots shall not be estimated, but shall be rejected as utterly void, and as many numbers shall be deducted from the amount of the poll list as shall be equal to the number of ballots so rejected; and after the examination of the ballots shall be completed, the number of votes for each candidate shall be carefully cast up by the said clerk, under the inspection of the persons hereby empowered to conduct the election, or any two of them, and be publicly declared unto the people present.

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XI. AND BE IT ENACTED, That all free inhabitants of this State, of full age, who are worth fifty pounds, proclamation money, and have resided within the county in which they claim a vote, for twelve months immediately preceding the election, shall be entitled to vote for all public officers, which shall be elected by virtue of this act; and no person shall be entitled to vote in any other township or precinct, than that in which he or she doth actually reside at the time of the election.

What persons entitled to vote.

XII. AND BE IT ENACTED, That if any candidate shall, at any such election, or previous thereto, solicit any voter or voters, either personally or by letter, message, advertisement or otherwise, to nominate him, or to vote for him, or if any person whatsoever shall at any such election, give, offer or promise any fee or reward, victuals, drink or other consideration to or for the use of any person or persons, or to or for the use of any county, city, township, precinct, or body politic or corporate, or by bribery or corruption, endeavor to prevail on any person to nominate him, or to vote for him, or to nominate or vote for any other person, or shall appear at such election with any weapons of war, or staves, or bludgeons, or use any threats, that may tend to put any of the candidates or voters in fear of personal danger, or shall by any other way endeavor to intimidate, or by indirect means persuade any voter to give, or to dissuade any voter from giving his vote for the choice of any candidate, or shall make any false assertion or propagate any false report concerning any candidate, with a view to prevent his being elected, or that shall have any evident tendency thereto, or shall summon or request any party of militia to attend at the time and place of election, every such person shall, for every such offence, forfeit and pay the sum of thirty dollars, to be recovered, with costs of suit, by any person that will sue for the same, in any court having cognizance thereof, one half to the use of the prosecutor, and the other half to be paid to the collector of the county, wherein such offence was committed, for the use of the county; and such offender shall be further liable to a private action at the suit of the party injured.

Threats, bribery, false assertions and reports, indirect means, and offensive weapons prohibited at elections, upon forfeiture of 30 dollars.

XIII. AND BE IT ENACTED, That the said judge and inspectors, or any two of them, shall continue to receive the votes of all voters offering themselves for that purpose, until seven of the clock in the evening of the next day, and no longer, and at the close of the poll, the said judge and inspectors, or any two of them, shall proceed to ascertain the number of votes for each candidate in the manner herein before prescribed, and shall thereupon make a certificate, under their hands and seals, in the following or like form:

Poll when to be closed.

We, the judge and inspectors of election of the township (or precinct) of \_\_\_\_\_ in the county of \_\_\_\_\_ do hereby certify, that having proceeded to receive the votes of the voters of the said township (or precinct) the following is a list of all the candidates voted for, of the offices proposed for them, and of the number of votes for each.

Form of the election certificate.

For



A. D. 1797.

For members of the legislative council.

A. B. Number of votes.  
C. D.

For members of the general assembly.

E. F. Number of votes.  
G. H.  
I. K.  
L. M.  
N. O.

For sheriff.

P. Q. Number of votes.  
R. S.

For coroners.

T. U. Number of votes.  
V. W.  
X. Y.  
Z. A.

The whole number of votes received.

In testimony whereof, we have hereunto subscribed our names and affixed our seals, this day of October, in the year of our Lord,

A duplicate certificate of the election to be filed in the office of the town clerk.

And the said judge and inspectors, or any two of them, shall likewise prepare and execute, under their hands and seals, a duplicate certificate of such election, which shall be filed in the office of the town clerk, together with the poll list of the election, to be used as occasion may require; in all which certificates the number of votes for each candidate shall be written in words at length and not in figures.

The certificate of the election to be sent to the clerk of the pleas.

XIV. AND BE IT ENACTED, That the said judge of elections, or either of the inspectors, shall deliver or safely transmit the said certificate of election to the clerk of the court of common pleas, who shall attend at the court house of the county, on the Saturday next after the day of election, for the purpose of receiving the same, and which certificate shall be delivered to him before three o'clock in the afternoon of said day; which said clerk shall then proceed, in a public manner, to make a list of the votes for each candidate from the several certificates, and shall add the whole together, and shall thereby ascertain, who are duly elected, by plurality of votes, to the several offices for which an election shall have taken place, and shall thereupon file the said certificates, and the list of votes made thereupon in his office, certificates of which he shall prepare for the members of the legislative council and general assembly, to be signed and sealed by himself, in the following or like form:

His duty thereupon.

Form of certificate for a member of the legislature.

" I clerk of the court of common pleas of the county of do hereby certify, that is duly elected member of the legislative council (or general assembly, as the case may be) for the said county of for the ensuing year. Witness my hand and seal this day of in the year of our Lord,

And for the sheriff and coroners, in the following or like form, to be signed and sealed by the said clerk, together with six freeholders of the county:

Form of certificate for sheriffs and coroners.

" We, clerk of the court of common pleas of the county of and (here insert the names of six) freeholders in the said county, do hereby certify, that is duly elected sheriff (or one of the coroners, as the case may be) of the said county of for the ensuing year. Witness our hands and seals the day of in the year of our Lord,

With



Which certificate the said clerk shall transmit to the person, whose election is certified therein, and shall forward duplicate copies of all such certificates, together with a copy of the list of votes filed in his office, under a sealed cover to his excellency the governor of the State, or the person administering the government for the time being, so that the same may be received by him within fourteen days thereafter.

A. D. 1797.

Duplicates of such certificates to be sent to the governor.

XV. AND BE IT ENACTED, That if any clerk of the court of common pleas, judge of election, assessor, collector, town clerk, or other person, hereby authorized and directed to conduct the election, shall neglect, improperly delay or refuse to perform any of the duties or services required of him by this act, or shall be guilty of any corrupt misbehaviour, or manifest partiality in any matter or thing relating to the business committed to him by this act, or shall attempt in an undue manner, to influence the election, every person so offending shall forfeit and pay the sum of thirty dollars, to be recovered and applied as herein before directed; and shall be further liable to a private action at the suit of the party injured.

Penalty on clerks, judges, assessors and collectors for partiality and misbehaviour at elections.

XVI. AND BE IT ENACTED, That the respective clerks of the court of common pleas shall be allowed, for the services required of them by this act, the sum of four dollars each; and the clerk of each township or precinct, for advertising in the manner directed by this act, the sum of one dollar and fifty cents; and the judge of election, inspectors and clerk, for attending the election, the sum of one dollar and fifty cents, by the day, each; and the person delivering the certificate of election to the clerk of the court of common pleas, the sum of eight cents for every mile of the distance from the place of his abode to the court house of the county; all which sums shall be paid by the collector of the county.

Compensation of certain officers for their services relative to elections.

XVII. AND BE IT ENACTED, That it shall and may be lawful for the inhabitants of each township and precinct within this State, at their annual town meetings, to appoint the place or places, not exceeding two, for holding elections within their respective townships or precincts; and in case the inhabitants of any township or precinct, as aforesaid, shall neglect such appointment, then, and in such case, the election shall be held at their usual place or places of holding town meetings.

Elections, where to be held.

XVIII. AND BE IT ENACTED, That the inhabitants of each of the townships or precincts in the several counties of this State, who are qualified by law to elect town officers, shall be, and they are hereby authorized and required, at their annual town meeting, to choose one reputable freeholder as a judge of elections.

Judges of elections, when and by whom to be appointed.

XIX. AND BE IT ENACTED, That if any person, chosen to represent any county in this State in council or assembly, shall neglect or refuse to take his seat pursuant to his election, or to send forward an excuse, which shall be deemed satisfactory, within twenty days after the meeting of the legislature, or shall die, or remove out of the State, or be expelled from his seat by a vote of the house to which he may belong, then, and in every such case, the Vice President of the council, or speaker of the house of assembly, as the case may be, shall issue a warrant to the clerk of the county, where the vacancy or vacancies may happen, who shall immediately advertise in five of the most public places in such county, setting forth, that he will attend at the court house of the county on a day by him named in said advertisements, not less than five, to receive the nomination of persons to supply such vacancy or vacancies; which nomination and election shall be conducted, in every respect, in the mode herein prescribed for annual elections, except that the nomination shall be made only fourteen days previous to the day appointed for the election to be held.

On vacancies, warrants for a new election to be issued by the Vice President of the council, or speaker of the assembly.

XX. AND BE IT ENACTED, That the act, entitled, "An Act to regulate the election of members of the legislative council and general assembly, sheriffs and coroners, in the counties of Bergen, Monmouth, Burlington, Gloucester, Salem, Hunterdon and Sussex," passed the eighteenth day of November, in the year of our Lord, one thousand, seven hundred and ninety, with the several supplements thereto, and all other acts respecting the election of members of the legislature, sheriffs

Former act repealed.



A. D. 1797.

sheriffs and coroners, now in force in this State, shall be, and the same is and are hereby repealed after the first day of March next.

*An ACT to prevent routs, riots and tumultuous assemblies.*

Passed the 24th of February, 1797.

Proclamation to be made among rioters, commanding them to disperse.

**I. BE** IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the publication of this act, if any persons, to the number of twelve or more, being armed with clubs, guns, swords, or other weapons, or if any number of persons, consisting of thirty or more, shall be unlawfully, routously, riotously, or tumultuously assembled, any justice of the peace, sheriff, under sheriff, or constable of the county, where such assembly shall be, shall, among the rioters, or as near to them as he can safely come, command silence, while proclamation is making, and shall, openly and with loud voice, make, or cause to be made, proclamation in these or the like words :

Form of proclamation.

*State of New-Jersey.* By virtue of an act of this State, entitled, "An Act to prevent routs, riots and tumultuous assemblies," I am directed to charge and command all persons, being here assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains and penalties contained in the said act. God save the State.

Justices, sheriffs and constables to resort to the place and make the said proclamation.

And all justices of the peace, sheriffs, under sheriffs, and constables, within the limits of their respective jurisdictions, are hereby authorized, empowered and required, on notice or knowledge of any such unlawful, routous, riotous, or tumultuous assembly, to resort to the place, where such unlawful, routous, riotous, or tumultuous assembly shall be, and there to make, or cause to be made, proclamation in manner aforesaid.

Rioters, not dispersing within an hour after such proclamation, to be apprehended;

**II. AND BE IT ENACTED** by the authority aforesaid, That, if such persons, so unlawfully, routously, riotously, and tumultuously assembled as aforesaid, shall, after proclamation made, or attempted to be made, in manner aforesaid, continue together and not disperse themselves within one hour, then it shall and may be lawful to and for every justice of the peace, sheriff, under sheriff, or constable of the county where such assembly shall be, and to and for such other person and persons, as shall be commanded to be assisting unto any such justice, sheriff, under sheriff, or constable, (who are hereby respectively authorized and empowered to command all the citizens of this State, to be assisting to them therein,) to seize and apprehend, and they are hereby required to seize and apprehend such persons, so unlawfully, routously, riotously and tumultuously continuing together, after proclamation made, or attempted to be made, as aforesaid, and forthwith to carry the persons, so apprehended, before one or more of the justices of the peace of the county, where such persons shall be so apprehended, in order to their being proceeded against, for such their offences, according to law; and if the persons, so unlawfully, routously, riotously, and tumultuously assembled, or any of them, shall happen to be killed, wounded or hurt, in the dispersing, seizing or apprehending, or endeavoring to disperse, seize or apprehend them, by reason of their resisting the persons so dispersing, seizing or apprehending, or endeavoring to disperse, seize or apprehend them, then every such justice of the peace, sheriff, under sheriff, or constable, and all and singular person and persons, being aiding or assisting to them, or any of them, shall be held guiltless, and be absolutely indemnified and discharged.

and if they make resistance, the persons killing them to be held guiltless and discharged.

Persons, who shall oppose the making such proclamation, how to be punished.

**III. AND BE IT ENACTED** by the authority aforesaid, That if any person or persons, do or shall, with force and arms, wilfully and knowingly, oppose, obstruct, or in any manner, wilfully and knowingly, let, hinder, or hurt any person or persons, that shall begin to proclaim, or go to proclaim, according to the proclamation hereby directed to be made, whereby such proclamation shall not be made, that then every such opposing, obstructing, letting, hindering, or hurting such person