

C H A P. CCCXXI.

An Act for vesting in the United States of America, the Jurisdiction of a Lot of Land at *Sandy-Hook*, in the County of *Monmouth*.

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 Jurisdiction of this State, in and over a Lot of Land, situate at the Point of *Sandy-Hook*, in the County of *Monmouth* containing four Acres, on which a Light-house and other Buildings are erected, shall be and the same is hereby ceded to, and vested in the United States of America forever hereafter.

Light-house
&c. at *Sandy-Hook* ceded to the
Unit. States.

A. Passed at *Burlington*, November 16, 1790.

C H A P. CCCXXII.

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*.

Sett. 1. **B**E 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-Houses of their respective Counties, on the last *Tuesday* 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 the Offices of 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.

Nominations how to be made.

2. And be it further Enacted, That the said Clerk of the Court of Common Pleas 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, to 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 before mentioned.

List of Nominations to be transmitted to the Town clerks

No Votes to be received but for Persons in Nomination.

3. And

Town clerks to advertise the Time & Place of holding Elections & the Names of the Candidates.

And on the Day of Election to fix the List of Candidates on the Door, Judge, &c. to order Proclamation to be made--to judge of the Qualification of Voters, and keep Order. Adjourn. Close the Poll and certify the Numbers.

Judges, &c. to be sworn.

Form of their Oath.

Town clerk, or his Deputy, to be sworn.

Form of their Oath.

When Judge &c. are Candidates, or absent,

Other Persons to be chosen.

3. *And be it further Enacted*, That the Clerks of the several Townships and Precincts of this State shall, four Days before the second *Tuesday* in *October*, in each and every Year, put up, or cause to be put up, public Advertisements, in three or more of the most public Places in such Township or Precinct, making known the Time and Place 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 Elections, Assessor, Collector and Town-Clerk of every Township and Precinct within this State, shall attend at the Place of holding Town-Meetings in such Township or Precinct; and the said Clerk shall on the same Day, between the Hours of nine and ten o'Clock in the Forenoon, affix 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 Elections, 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, not exceeding half an Hour, in Case no Electors appear to give in their Votes, and shall close the Poll, and certify the Number of Votes, in the Manner herein after prescribed.

4. *And be it further Enacted*, That the said Judge of Elections, Assessor and Collector, shall severally, before they proceed to receive any Votes, take the following Oath, or Affirmation:

I do solemnly, sincerely and truly swear [or affirm, as the Case may be] 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, and in the Presence of those attending on the Election.

5. *And be it further Enacted*, That the Clerk of the Township or Precinct, or his Deputy to be appointed by him for the Purpose of the Election, and to be approved of by the said Judge, Assessor and Collector, or any two of them, shall take the following Oath, or Affirmation:

I do solemnly, sincerely and truly swear [or affirm, as the Case may be] that I will faithfully and impartially serve as Clerk of this Election, and execute the Duties and Services required of me by Law.

6. *And be it further 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, Collector and Assessor, or any two 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

choose a Person or Persons, to serve in the Stead of those 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 same Duties and Services, and shall be entitled to the same Rewards, and be subject to the like Penalties as are herein specified for the said Judge, Assessor and Collector; and a Certificate shall be made of such Choice, signed by at least three reputable Freeholders, 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 Persons absent in the Manner herein after directed, unless the Judges of the Court of Common Pleas of the County, at the next Term of the said Court, shall admit the Excuse of such Absentee to be good and sufficient.

Who are to be sworn &c.

And certified to the Clerk of the Common Pleas-- Who is to prosecute the Absentee unless &c.

7. *And be it further Enacted*, That if the Clerk of the Township or Precinct shall, by Death, Removal, or other Inability, be unable to perform the Duties enjoined on him by this Act, and shall not appoint a Deputy 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 impowered to appoint a fit Person Clerk of the Election, who shall in like Manner take the Oath or Affirmation herein before required of the 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 Clerk of the Township or Precinct; 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 of Common Pleas shall, in like Manner before mentioned, admit his Excuse.

Town Clerk under any Disability, or absent without having made a Deputy, Judge, &c. to appoint a Clerk for the Election.

and certify to the Clerk of the Pleas,

Who is to prosecute the Absentee unless

8. *And be it further Enacted*, That all future general Elections, other than the Elections of Town-Officers, in the Counties of Monmouth, Burlington, Gloucester, Salem, and Hunterdon, shall be by Ballot; and all future general Elections in the Counties of Bergen and Sussex, shall be *viva voce*; and the Clerks of the several Townships and Precincts in the last mentioned Counties shall, at every Election, take down in Writing the Name of each Candidate, and the Name of each Elector, and mark particularly for which Candidate or Candidates each Elector shall have voted, and shall, at the close of the Poll, make Return to the said Judge of Elections, Assessor and Collector, or any two of them, of the Number of Votes for each Candidate; and the Clerks of the Courts of Common Pleas of the several Counties hereby directed to vote by Ballot, shall provide, at the Expence of their respective Counties, a Number of Election-Boxes, equal to the Number of Townships or Precincts within such County, 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 for the Purpose about a Foot square, with a Lid on the Top about five Inches square, fastened with Brads or Iron Hinges, and with two Locks and Keys thereto, of different Sizes and Constructions, and with a small circular Hole in the Top, about half an Inch in Dia-

Which Counties to elect by Ballot, & which *viva voce*. Duties of the Clerks in *viva voce* Elections. Clerks of the Pleas in the balloting Counties to provide Election boxes

Their Description.

meter, for the Purpose of receiving the Ballots, and through which all the Ballots shall be put separately into the Box.

Tickets to be delivered to the Judge, &c.
His Duty,
and that of the Clerk.
On Adjournment during the Poll, the Box to be sealed, &c.

9. *And be it further Enacted,* That in every County in this State hereby directed to vote by Ballot, every Elector shall openly and in full View deliver his Ballot, which shall be a single Paper Ticket, containing the Names of the Persons for whom he votes, to the said Judge, Assessor or Collector, who on Receipt thereof shall, with an audible Voice, pronounce the Name of such Elector; 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 said Day of Election, the Hole in the Top of the Box shall be covered with a Paper, which shall be sealed to the Box with the Seal of the said Judge, Assessor and Collector, or any two of them; 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 Keys kept separate by two of the Persons hereby appointed to conduct the Election.

At the close of the Election the Box to be sealed until &c.
then opened and the Ballots counted.
Duty of the Judge, &c. and Clerk in that Business
No more Ballots to be allowed than Names in the Poll-List.
Double Tickets, &c. to be rejected.
Votes to be cast up, and Election declared.

10. *And be it further Enacted,* That at the close of the Election the Hole in the Box shall be covered in the Manner aforesaid, and the Poll-List shall be signed by the said Judge, Assessor and Collector, or any two of them, and also by the said Clerk; and the Names contained therein shall be numbered, and the Numbers put down in Writing, after which the Box shall be opened, and the Ballots therein contained taken out, one at a Time, by the said Judge, or Assessor, or Collector, who shall call out distinctly, while the Ballot remains in his Hands, the Names contained therein, and for what Appointments, 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 the Appointments therein set forth; 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 said Judge, Assessor and Collector, or any two of them, and be publicly declared unto the People present.

Qualification of Voters, and

11. *And be it further Enacted,* That all free Inhabitants of this State of full Age, and who are worth Fifty Pounds Proclamation Money clear Estate in the same, 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

in any other Township or Precinct, than that in which he or she doth actually reside at the Time of the Election ; and no Person who shall be convicted of Treason against this State or the United States, or any of them, shall be entitled to vote at any such Election. Disqualifications.

12. *And be it further Enacted,* That if any Candidate shall, at any such Election, or previous thereto, solicit any Elector or Electors, 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 endeavour 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 Electors in Fear of personal Danger, or shall otherwise endeavour to intimidate, or by indirect Means persuade any Elector to give, or to dissuade any Elector from giving his Vote for the Choice of any Person, 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 an evident Tendency thereto, or shall summons 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 Twenty Pounds, to be recovered with Costs of Suit by any Person that will sue for the same, in any Court of Record having Cognizance thereof; one Half of the said Sum to be for the Use of the Prosecutor, and the other Half paid to the Collector of the County where the Cause of Action arose, for the Use of that County; and the Party injuring or offending shall be further liable to a private Action at the Suit of the Party injured. Persons guilty of Bribery and Corruption, Appearing armed, or threatening, to be fined 20l. and subjected to an Action, &c.

13. *And be it further Enacted,* That the said Judge, Assessor and Collector, or any two of them may, if they deem it necessary, continue to receive the Votes of such Persons duly qualified, as may offer themselves for that Purpose, until six o'Clock in the Evening of the next Day ; and at the close of the Poll, the said Judge, Assessor and Collector, or any two of them, shall proceed to ascertain the Number of Votes for each Candidate, in the Manner herein prescribed, and shall thereupon prepare a Certificate under their Hands and Seals, in the following or like Form : How long the Poll may be kept open.

WE the Judge of Elections, Assessor and Collector of the Township [or Precinct] of in the County of do hereby certify, that having proceeded to receive the Votes of the Electors of the said Township [or Precinct] of the following is a List of all the Persons voted for, of the Appointments proposed for them, and of the Number of Votes for each. Form of Certificate.

For Member of the Legislative-Council ;

A B Votes

C D Votes

For Members of the General Assembly ;

E F L M

G H N O

I K

For

For Sheriff.

P Q
R S

For Coroners.

T U
V W

The whole Number of Votes received.

In Testimony whereof, we have hereunto subscribed our Names, and affixed our Seals, the Day of *October*, in the Year of our Lord One Thousand Seven Hundred and

Duplicate to be filed with Town Clerk together with the Poll Book.

And the said Judge, Assessor and Collector, 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 Clerk of the Town, together with the Poll-List of the Election, to be used in Case any Occasion may require; in all which Certificates the Number of Votes for each Candidate shall be specified in Words at Length, and not in Figures.

Judge, &c. to transmit the Certificate to the Clerk of the Pleas,

who is to add the Votes together, and ascertain & certify who are elected.

Form of his Certificate,

Which he is to transmit to the Person elected, and a Duplicate to the Governor.

Clerk of the Pleas, Judge &c. misbehaving,

to be fined 50l.

14. *And be it further Enacted*, That the said Judge of Elections, Assessor or Collector, or one of them, 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 Certificates shall be delivered to him before three o'Clock in the Afternoon of the said Day; and the said Clerk of the Court of Common Pleas 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 Votes 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 therefrom, in his Office; and shall proceed to prepare, sign and seal Certificates, in the following or like Form, for the several Persons elected:

I A. B. Clerk of the Court of Common Pleas of the County of do hereby certify, that C. D. is duly elected Member of the Legislative-Council, [or Member of the General Assembly, or Sheriff or Coroner, as the Case may be,] for the County of for the ensuing Year. Witness my Hand and Seal, this Day of in the Year of our Lord One Thousand Seven Hundred and

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.

15. *And be it further Enacted*, That if any Clerk of the Court of Common Pleas, Judge of Elections, Assessor, Collector, Town-Clerk or Deputy Town-Clerk; 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, the Person so offending shall forfeit and pay the Sum of Fifty Pounds, to be recovered and applied as is herein before directed, and shall be further

further liable to a private Action at the Suit of the Party or Parties injured.

16. *And be it further Enacted*, That the Clerks of the Courts of Common Pleas shall be allowed, for the Services required of them by this Act, the Sum of Thirty Shillings each; and the Clerk of the Township or Precinct, for advertising in the Manner directed in this Act, the Sum of One Dollar; and the Judge of Election, Assessor, Collector, and Town-Clerk, for attending the Election, the Sum of One Dollar a Day each; and the Person delivering the Certificate of Election to the Clerk of the Court of Common Pleas, the Sum of Six-pence for every Mile of the Distance from the Place of Election to the Court-House of the County; all which Sums shall be paid by the Collector of the County.

Fees of the several Officers to be paid by the County Collector.

17. *And be it further Enacted*, That the Act, intituled, *An Act for regulating the Election of Members of the Legislative-Council and Assembly, Sheriffs and Coroners of the State of New-Jersey, and of Delegates to represent the said State in the Congress of the United States*, passed December the sixteenth, Seventeen Hundred and Eighty-three, and the Supplement thereto, passed November the twenty-ninth, Seventeen Hundred and Eighty-eight, shall be and the same are hereby repealed, so far as the same relates to the Mode of Election in the Counties of Bergen, Monmouth, Burlington, Gloucester, Salem, Hunterdon, and Sussex.

Acts repealed, so far as they relate to certain Counties.

A. Passed at Burlington, November 18, 1790.

C H A P. CCCXXIII.

An Act to complete the Payment of a certain Proportion of the Interest due on the Public Securities of this State, and to repeal Part of an Act, intituled, *An Act to raise the Sum of Twelve Thousand Five Hundred Pounds per Annum, for the Term of Twenty-two Years, for the Purpose of paying the Interest on the Debt due from this State to the Inhabitants thereof.*

SECT. 1. **B**E it Enacted by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That the Treasurer of the State shall be, and he is hereby authorized and required, to complete the Payment of seven Years Interest on all Certificates of this State, commonly called Depreciation Notes, and to complete the Payment of four Years Interest on all other Certificates of this State, on which so much Interest may be due, out of any unappropriated Monies in his Hands.

Treasurer directed to pay 7 Years Interest on Depreciation, and 4 Years on other State Notes.