

etc., [as in form number four or five, according to the circumstances of the case].

NO. 9. FORM OF PLEA WHERE ANY PERSON OTHER THAN THE LANDLORD IS ADMITTED TO DEFEND AND DEFENDS JOINTLY WITH THE TENANT IN POSSESSION.

[If any other person than the landlord be admitted to defend, and defend jointly with the tenant in possession, then after stating the court and action, as in form number four, say]:

And the said C. D., together with N. O., who is admitted as a proper person to defend this action by —, their attorney, appear and defend the action, etc., [as in form number four or five, according to the circumstances of the case].

Elections.

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An act to regulate elections.

Approved April 18, 1876.

I. Of elections, generally.

1. OF THE GENERAL ELECTION.

1. That on the Tuesday next after the first Monday in November, in each year hereafter, an election shall be held in the several assembly districts in each county, to elect for such county such a number of persons to be members of the general assembly as such county shall be entitled to elect; which election shall be known as the general election. Annual election.
2. That at every annual meeting in each township, the persons who shall be qualified to vote therein, shall appoint the place within such township at which all such elections shall be held during the year next following such annual meeting; and if they shall omit to appoint a place, then such elections shall be held at the place at which such annual meeting was last held. Town meeting to fix place.
R. S. 408, § 2.
3. That all such elections shall be opened at the hour of seven o'clock in the morning, and close at the hour of seven o'clock in the evening, and shall continue one day only. Time of opening and closing polls.
Ib. § 3.
4. That the secretary of state shall, between the first day of August and the first day of September, immediately preceding the expiration of the term of service of any member or members of the senate of this state, direct and cause to be delivered to the clerk of every county, whose senator's term of service will expire with the current legislative year, a notice stating such fact, and that a senator for said county is to be elected at the ensuing annual election; and the clerk of such county shall, within fifteen days after the receipt of the said notice, cause a copy of the same, certified under his hand to be true and correct, to be delivered to the clerk of each township in said county; and the clerk of each township shall, in every year in which the term of service of the senator for said county will expire as aforesaid, include in the advertisement, required to be given by the ninth section of this act, a notice that a senator for said county is to be chosen at the ensuing election. Secretary of state to give notice of expiration of senatorial terms.
Ib. § 4.
5. That the sheriffs and coroners shall be elected by the people of their respective counties at the time of electing members of the general assembly once in every three years; and the clerks, register of deeds and surrogates of counties shall be elected by the people of their respective counties, at the time of electing members of the general assembly once in every five years, and it shall be the duty of the clerk of every county, between the first day of August and the first day of September, immediately preceding the expiration of the term of office of the clerk, register of deeds or surrogate of such county, to direct and cause to be delivered to the clerk of each township or ward in said county a notice that a clerk, register of deeds or surrogate of such county, or both, as the case may be, is to be chosen at the ensuing annual election; in every such year in which an election for clerk, register of deeds or surrogate of a county is required to be made, the clerk of each township in said county shall include in the advertisement, required to be given by the ninth section of this act, a notice that a clerk, register of deeds, or surrogate of said county, or both, as the case may be, is to be chosen at the ensuing election. Time and mode of electing sheriffs, coroners, clerks, registers, and surrogates.
Ib. § 5.
Amended.
Duty of township clerk.
6. That when a governor is to be elected by the people, such election shall be held at the time when and the places where the people shall respectively vote for members of the general assembly; and each voter shall put the name of the person voted for as governor, designating him as such, on the same ticket with the names of the persons voted for as members of the legislature and county officers. Time and mode of electing governor.
Ib. § 6.
7. That the secretary of state shall, between the first day of August and the first day of September, immediately preceding the expiration of the term of office of the governor, direct and cause to be delivered to the clerk of every county a notice stating such fact, and that a governor is to be elected at the ensuing annual election; and the clerk of such county shall, within fifteen days after the receipt of said notice, cause a

copy of the same, certified under his hand to be true and correct, to be delivered to the clerk of each township in said county; in every year in which an election for governor is required to be made, the clerk of each township shall include in the advertisement, required to be made by the ninth section of this act, a notice that a governor is to be chosen at the ensuing election.

Duty of township clerk.

Who deemed elected.
Ib. § 53.

8. That at every such election the person or persons, to the number to be elected therein, who shall by law be qualified for the office or offices to be filled at such election, and for whom the greatest number of votes shall have been given therein for such office or offices, shall be deemed and taken to be elected to such office or offices; and whenever in any such election an equal number of votes shall have been given to two or more persons to fill any office for which they shall by law be qualified, by reason whereof it shall happen that such office shall not be filled, then the same shall be deemed and taken to be vacant.

Township clerk to give notice of election.
Ib. § 24.

9. That the clerk of each ward and township shall, at least eight days prior to, and within thirty days next preceding the day of election, put up, or cause to be put up, an advertisement in at least five of the most public places within such township, which advertisement shall make known the time, place and purpose of holding such election, and be signed by such clerk.

Military duty not to be performed on election day.
Ib. § 33.

10. That no such election shall be appointed to be held on any day on which the militia of this state shall be required to do military duty, nor shall the militia of this state be required to do military duty on any day on which such election shall be appointed to be held.

2. OF THE QUALIFIED ELECTORS.

Who entitled to vote, and where.
Ib. § 41.

11. That every person possessing the qualifications required by the constitution, shall be entitled to vote in the township in which he actually resides, and not elsewhere; (a) and every person who shall be so qualified to vote in such election in such township, shall at any time during the same, after proclamation shall have been made of the opening of the same, except during any period for which the board of election shall have adjourned, be at liberty to claim his right to vote therein in such township, and such person shall claim such right in person before such board; and on such claim being made, one of such board shall audibly and publicly announce the name of the claimant; and the ballot of such claimant shall remain in his own hand until such board shall have decided to receive the same.

Challenge for conviction of crime.
Ib. § 49.

12. That if a person be challenged, as convicted of any crime which excludes him from the right of suffrage under the provisions of the constitution of this state, he shall not be required to answer any questions in relation to such alleged conviction, nor shall any proof of such conviction be received, other than the duly authenticated record thereof, except such proof as may be necessary to establish his identity with the person named in such record, or may be adduced by him to rebut the evidence of identity produced on behalf of the challenge; but if any person so convicted shall vote at any such election, unless he shall have been pardoned or restored by law to the right of suffrage, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding two hundred dollars, or imprisonment at hard labor not exceeding two years, or both.

Voters privileged from arrest.
Ib. § 32.

13. That no person who shall have a right to vote at any such election, shall be arrested by virtue of any civil process on the day on which such election shall be held.

3. ELECTION OFFICERS, POWERS AND DUTIES.

Election of judges and inspectors of election.

14. That the persons qualified to vote in the several wards and townships, shall meet in every year, at the time and place of holding the annual city elections and town meetings, and then and there elect, as hereinafter provided, one judge and two inspectors of elections.

(a) The residence required to entitle a person to vote means his fixed domicile or permanent home; and is not changed or altered by his occasional absence with or without his family, *Cadwalader v. Howell*, 3 Harr. 138.

15. That each of said qualified voters 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 elected inspectors of elections.

Mode of election.

16. That the said judge and inspectors so elected shall constitute the election board of each ward and township, and the decision of a majority of such boards, on any question, shall be deemed and taken to be the decision of such board, and final; and if any member of such board shall dissent from any decision of the same, and shall desire to protect himself from the consequences which may result from such decision, it shall be lawful for such member to record his dissent in the poll book of such election, signing his name to such record with his own hand, and unless he shall so do he shall be deemed and taken to have assented to the decision so made.

Who to constitute election board.

How to record dissent.

17. That when a township or ward in any city contains more than six hundred voters, said township or ward shall be divided into election districts so as not to contain more than six hundred voters in each district; and the mayor and common council in the several cities and the township committees in the several townships are hereby required to set off said districts on or before the first day of August next, and file a description of the boundaries thereof, one copy in the county clerk's office and one copy in the city or township clerk's office, as the case may be, and in case it may be necessary hereafter to change the boundaries of such districts, such change shall be effected in the manner above prescribed.

When township or ward to be divided into election districts.

18. That where any township or ward has been, or shall be divided into two or more election districts, the qualified voters of each district of said divided township or ward, 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; and also one person to serve as clerk of election in each district; but the clerk of each township or ward shall act as clerk of election in the district in which he resides; the mayor and common council, or board of aldermen of the several cities and boroughs, and the township committees of the several townships in the state, are hereby required whenever such division shall be made, to appoint two inspectors and one judge of elections, and one clerk of elections for each of said districts so set off, who shall be residents of the election districts in which they are appointed, and who shall serve until their successors are elected; the said inspectors so to be appointed shall not belong to the same political party.

Election of judges and inspectors when township or ward has been divided.

19. That the judge and inspectors of election of each township and ward shall meet at the time and place when and where any such election shall be appointed to be held therein, and shall, at the hour of seven o'clock in the morning of the day thereof, organize themselves as a board of election, for the purpose of presiding at and conducting such election; and the clerk of such township, ward, or district, shall meet with such board, and be the clerk thereof.

Organization of board of election.

20. That no such judge, inspector, or clerk, shall be elected to any office to be filled at the election in which he shall serve, except it be to fill the office of judge, inspector, or clerk; and if any such judge, inspector, or clerk, shall be voted for in any such election, except as aforesaid, the person or persons, to the number to be elected therein, who shall by law be qualified for the office or offices to be filled at such election, for whom the greatest number of votes shall have been given therein, other than such judge, inspector, or clerk, shall be deemed and taken to be elected, and the votes which shall be given to such judge, inspector, or clerk, shall be deemed and taken to be null and void.

To what offices members of election board not to be elected.

21. That if, at the hour of seven o'clock on the morning of the day of any such election, the judge, or one or both of the inspectors of election of any township, ward or district, shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or,

Time and mode of supplying vacancies in the board.

being present, shall neglect or refuse to serve as one of the board of election, it shall be lawful for the persons then and there present, who shall be entitled to vote in such election in such township, ward or district, by a majority of voices, or, on a division, by a majority of polls, forthwith to choose one or more of the persons then and there present, who shall be entitled to vote in such election in such township, ward or district, to fill the place or places in such board of the person or persons so absent, disqualified, neglecting or refusing; and every person so chosen shall be deemed and taken to be, in all respects, a judge or inspector of election, as the case may be.

Time and mode of supplying vacancies in office of clerk.

R. S. 408, § 28.

22. That if, at the hour of seven o'clock on the morning of the day of such election, or at any other time during such election, the clerk of such township, ward or district, shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or, being present, shall neglect or refuse to serve as clerk of the board of election, it shall be the duty of such board to appoint some other person, qualified to vote in such election in such township, ward or district, who shall be then and there present, to be such clerk; and the person so appointed shall be deemed and taken to be, in all respects, the clerk of such board.

Person appointed to fill vacancy to be member of board.

Ib. § 29.

23. That any person who may be appointed to fill the place of the judge or one of the inspectors of election, in consequence of the absence, disqualification, neglect or refusal to serve of such judge or inspector, and any person who may, in like manner, be appointed clerk of the board, in place of the clerk of the township, ward or district, under the twenty-first or twenty-second sections of this act, shall be deemed to be, in all respects, a member or clerk of such board, with respect to all matters appertaining to that election; but his powers under such appointment shall not extend to any subsequent election.

Oath of members of board of election.

Ib. § 30.

24. That when such board of election shall have been organized, and before they shall receive any vote, it shall be the duty of the judge and each inspector of election to take an oath or affirmation, to be administered by the clerk of the board, in the following form:

"You do swear (or affirm, as the case may be) that you will faithfully and impartially execute the duties required of you by law, as (judge or inspector, as the case may be) of this election; that you will not knowingly receive, or assent to receive, the vote of any person who is not in all respects qualified and entitled to vote according to law; and that if any person shall offer his vote, whom you shall suspect or believe not be qualified or entitled to vote in this election, you will challenge his vote, and will refuse to receive the same, unless you shall be made fully satisfied that he is legally entitled to vote therein."

Oath of clerk.

Ib. § 31.

25. That when the judge and inspectors of election shall have been sworn or affirmed, as provided in the preceding section of this act, it shall be the duty of the judge of election, in an open and public manner, to administer to the clerk of such board, and of such clerk to take, an oath or affirmation, in the following form:

"You do swear (or affirm, as the case may be) that you will faithfully and impartially execute the duties required of you by law, as clerk of this board;" and the like oath or affirmation shall be administered to, and taken by any person who may be appointed clerk of such board at any time during such election.

Punishment of judges and clerks for misdemeanors in office.

Ib. § 111.

26. That if any judge or inspector of election shall, at any election held in pursuance of this act, knowingly and wilfully receive, or assent to receive, the vote of any person who is not by law entitled and qualified to vote at such election, or shall wilfully and designedly make or sign any false or untrue statement or certificate of the result of any such election, or suppress, destroy, withhold, mutilate, change or alter any such statement or certificate, or any copy thereof, made in pursuance of this act, or if any clerk of any such election shall knowingly and wilfully make any false or untrue entry in any poll-book, or sign or attest any false or untrue statement or certificate of the result of any such election, or copy thereof, or shall, in canvassing and estimating the votes received at any such election, wilfully and corruptly write any figure or mark opposite the name of any person voted for at such election or refuse or omit to

write any such figure or mark, when he is by this act required so to do, or if any judge or inspector of election, who shall be appointed to attend any meeting of the board of county canvassers, shall corruptly and without sufficient excuse refuse or omit to attend such meeting at the time and place appointed therefor, or shall corruptly and without sufficient excuse omit or refuse to produce and lay before the said board, or to deliver or transmit to the clerk of such county, within the time by this act prescribed, the statement of the result of any such election, which shall have been delivered to him to be produced and laid before such board, every person so offending, his aiders, procurers, and abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor for any term not exceeding two years, or both.

4. MODE OF CONDUCTING ELECTIONS.

27. That the boards of chosen freeholders of each county, and the common councils or board of aldermen of each city and incorporated town, shall from time to time, as occasion shall require, provide and keep in good repair, ballot-boxes for the use of each township, ward or election district, which box shall be made one foot in depth, width and length, as near as may be, measuring the same on the exterior thereof, and strapped and secured on each corner thereof with iron or brass, so as to prevent it from being easily broken, and shall have a lid thereto, which shall be fastened with brass or iron hinges; and there shall be on the lid thereof three locks of different construction, so that neither of them can be opened with the key belonging to another of them; and there shall be in the lid thereof an aperture, not larger than shall be sufficient to admit a single closed ballot therein at one time; and the interior of the lid thereof shall be so provided with a bar or bolt that the aperture in the same can be covered thereby, in such manner that when the ballot-box shall be locked no ballot or other thing can be inserted in the same.

Ballot boxes, how constructed and provided.

28. That in all such elections, the persons entitled to vote therein shall vote by ballot; and each voter shall give his vote by a single ballot, which shall be a paper ticket, on which shall be written or printed, or partly written and partly printed, the name or names of the person or persons for whom the person voting intends to vote, and shall designate the office to which each person so named is intended by him to be elected; and no ballot shall contain a greater number of names of persons, as designated to any office, than there are persons to be chosen to fill such office.

Voting to be by ballot.

R. S. 408, § 34.

29. That such board shall, on each day of election, as soon as they have opened the same, and before they shall proceed to receive any vote, make public proclamation of the opening of the election, and of their readiness to receive the votes of voters.

Proclamation to be made of opening of election. Ib. § 35.

30. That on the day of such election, after proclamation shall have been made of the opening thereof, and immediately before proceeding to receive the votes, such board shall, in an open and public manner, exhibit the ballot-box, so that the bystanders may see that there is nothing contained therein, and thereupon shut and lock the same, leaving open the aperture in the lid thereof.

Ballot boxes to be exhibited. Ib. § 36.

31. That when such board shall have become organized, and the members and clerks thereof sworn or affirmed, the election shall be opened, and the same shall be kept open during the whole of the day of election, between the hours of seven o'clock in the morning and seven o'clock in the evening; but said board may adjourn the proceeding in such election from one o'clock until two o'clock in the afternoon, or for any shorter time between those hours, as they shall see fit.

Time of opening and closing polls. Ib. § 37.

Adjournment.

32. That whenever, before the close of the election on such day, an adjournment shall be ordered by the board of election, they shall state in the poll-book, immediately after the last name therein, in words, written at full length, the whole number of the names of the voters in the poll-book, to which the judges and clerk shall sign their names, and shall unlock and open the ballot-box, place and secure the bar or bolt in the lid thereof, in such manner as to prevent the insertion in the ballot-box

Proceedings on adjournment of board during election. Ib. § 38.

- of any ballot or other thing, place therein the poll-book, and shut and lock the same; and when the period of adjournment shall have expired, such board shall unlock and open the ballot-box, take therefrom the poll-book, remove such bar or bolt, so as to leave open the aperture in the lid thereof, and shut and lock the same; and during every such adjournment the ballot-box shall remain in the possession and under the care of one or more of the board of election, or the clerk of such board, to be appointed by such board for that purpose, who shall keep the same, during such adjournment, in public view.
- Charge of ballot box.**
33. That the judge and each inspector of election shall, at the opening thereof, take one of the keys of the locks of the ballot-box, and shall keep the same until a statement of the result thereof shall be made and certified, as directed by this act, and shall not, during that time suffer either of the other members of the board, or any other person, on any pretence, to take or have the same; and in all cases in which such board are directed to lock the ballot-box, each of the locks thereof shall be locked by the judge or inspector, who shall have the key belonging thereto, as directed by this act.
- Judge and inspectors to keep keys of ballot box.**
Ib. § 39.
- Clerks to provide and keep poll book.**
Ib. § 40.
34. That the clerk of such board shall provide and have at such election a book, to be denominated a poll-book, in which he shall record the names of the persons whose votes shall be received therein, in the order in which they shall be received, and shall, as he records such names, number the same from one onward, until the election shall be finally closed; and such clerk shall write a heading to the list of names so recorded, in the following, or like form:
“Names of voters at an election held in the township of _____, in the county of _____, on the _____ day of _____, in the year of our Lord one thousand eight hundred and _____, for members of _____,” filling up the blanks in the form above given, to conform to the facts of the case.
- How entries to be made on poll book in cities.**
35. That the clerk of each ward or district, in incorporated cities and towns, in addition to the duties now prescribed by law, shall enter on the poll-list the place of residence of each person voting, and every person in said incorporated cities and towns, at the time of offering his vote, shall truly state the street in which he resides, and, if the house, lodging or tenement in which he resides is numbered, the number thereof, and in case of refusal to make the statement aforesaid, the vote of such person shall not be received.
- Ballots to be delivered to judge or inspector of election.**
R. S. 408, § 42.
36. That each ballot shall in an open and public manner, on the day of election, between the hours mentioned in the third section of this act, be delivered in person by the voter to the judge or one of the inspectors of election, and be by him deposited in the ballot-box; and in no case shall the ballot be taken by any such judge or inspector, until the board of election shall have decided to receive the same; nor shall the ballot, in any case, be by any such judge or inspector opened, marked or examined, or permitted to be opened, marked or examined, before the same shall be deposited in the ballot-box; and each ballot received shall be separately deposited in the ballot-box.
- Votes may be challenged.**
Ib. § 44.
37. That any person who shall be qualified to vote in such election, shall be at liberty to challenge the right to vote therein of any person claiming such right.
- When judge of election to challenge.**
Ib. § 45.
38. That the judge and inspectors of election, respectively, shall, at such election, challenge every person who shall claim to have a right to vote therein, whom they shall know, suspect, or believe not to be qualified or entitled to vote therein.
- Oath of person challenged as an alien.**
Ib. § 46.
39. That if any person shall be challenged, as not qualified or entitled to vote, and the person challenging him shall specify a ground for such challenge to be, that the person so challenged is an alien, the chairman of such board may forthwith tender to him an oath or affirmation, in the following form:
“You do swear (or affirm, as the case may be), that, to the best of your knowledge, information, and belief, you were born a citizen of the United States, and that you do not owe allegiance to any foreign prince, potentate, state, or sovereignty;” and if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed and taken

to be an alien, unless he shall produce at the time of claiming his vote, to such board, a lawful certificate, issued out and under the seal of some court of record having authority to admit aliens to the rights of a citizen of the United States, showing, in case the person producing the same shall claim to be the person named therein, that he has been admitted to the rights of a citizen of the United States; or in case the person producing the same shall claim to have derived the rights of such citizen through the naturalization of his parent, then that the person alleged to be such parent has been admitted to the rights of such citizen; and in the former case the chairman of such board shall tender to the person so challenged an oath or affirmation in the following form:

“You do swear (or affirm, as the case may be), that you are the person named in the certificate of naturalization which you have produced to this board;” and in the latter case, an oath or affirmation, in the following form:

“You do swear (or affirm, as the case may be), to the best of your knowledge, information and belief, that the person named in the certificate of naturalization which you have produced to this board, was your parent, and that you were at the time of the naturalization of your parent under the age of twenty-one years, and resident in the United States;” and if the person so challenged shall, in either case, refuse to take the oath or affirmation so tendered to him, he shall be deemed and taken to be an alien.

40. That the board of election shall in no case receive the vote of any person, unless they shall be satisfied that such person is in all respects qualified and entitled to vote; and, for the purpose of satisfying themselves as to the right of any person who shall claim a right to vote, they shall have power to examine such person, and any other person or persons, under oath or affirmation touching such right, except as hereinbefore restricted; and if any member of such board shall receive, or assent to receive the vote of any person challenged, without requiring such person to take the oath or affirmation hereinbefore prescribed, and such person shall not be qualified and entitled to vote, such member so receiving, or assenting to receive, such vote shall be deemed and taken to have received the same knowing it to be illegal.

Members of board
may examine
claimant.
Ib. § 47.

41. That if any person shall be challenged, as not qualified or entitled to vote, the chairman of such board may forthwith tender to the person so challenged an oath or affirmation, in the following form:

Form of oath on
challenge.
Ib. § 48.

“You do swear (or affirm, as the case may be), that you are a citizen of the United States; that you have resided in this state one year, and in this county five months, next before this election, and not elsewhere; that you are now a resident in this township (or ward, as the case may be); that, as far as you know and verily believe, you are twenty-one years of age, and in all respects qualified to vote in this election in this township (or ward, as the case may be), and that you have not voted elsewhere in this election;” and if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed not to be qualified or entitled to vote.

42. That, before proceeding to the estimate and canvass of the votes which shall have been received, the clerk of such board shall state in the poll-book, immediately after the last name therein, in words written at full length, the whole number of the names of the voters in the poll-book, in the following, or like form: “the whole number of the names of the persons whose votes have been received during this election is —;” filling up the blank, in the form above given, to conform to the fact; and the judges of election, together with such clerk, shall sign their names thereto with their own hands.

Entry at the foot
of the list of
voters.
Ib. § 52.

43. That as soon as the hour of seven o'clock in the evening of the day of election shall arrive, the board shall proceed, in an open and public manner, to estimate and canvass the votes received, and shall complete the same without any unnecessary delay and without adjournment, and on completing the same, shall audibly and publicly announce the result thereof, particularly specifying the whole number of the names of the voters in the poll-book, the name of each person for whom any vote shall have been given for any office to be filled at such election, and the number

Votes to be can-
vassed.
Ib. § 54.

of votes given for each person for the office designated for him by such votes.

Mode of canvassing and estimating the votes received.
Ib. § 55.

44. That such board shall proceed in canvassing and estimating the votes which shall have been received, in the following manner: they shall first ascertain the number of the names of the voters in the poll-book, and state the same in writing, for the purpose of a memorandum for their own use, and thereupon unlock and open the ballot-box; the ballots contained therein shall then be taken singly and separately therefrom by one of the board of election, to be appointed by the board for that purpose; and such member shall, while each ballot shall remain in his hands, audibly and publicly read the same, and then, before taking another ballot from the box, shall deliver the same to another of such board, to be appointed by such board for the purpose, to be examined and numbered; and such member shall take and examine the same, and thereupon, if he shall be satisfied that the same has been correctly read, write on the back thereof the number of such ballot, in the order in which the same shall have been taken from the box, and then deliver the same to the other remaining member of such board to be examined and strung; and such member shall take and examine the same, and if he shall be satisfied that the same has been correctly read, shall string the same in the order in which the same shall be taken from the box and numbered, by means of a needle and twine, to be provided for that purpose; and the ballots shall be numbered from one onward; the clerk of such board, under the inspection and direction of such board, shall make a list of the names of all persons for whom one or more votes shall have been given, designating the office or offices for which such person shall be voted for, and as each ballot shall be read he shall write the figure 1 opposite the name of each person whose name shall be contained therein, as designated for any office; when all the votes which shall have been received shall have been read, examined, numbered and strung, as above directed, such board shall carefully and truly cast up the votes given for each person for any office to be filled at such election.

In what cases ballots not counted.
Ib. § 56.

45. That if in canvassing and estimating the votes, the number of ballots shall be found to exceed the number of the names of the voters in the poll-book, then the ballots which shall remain in the box, after canvassing and estimating as many ballots as there are of such names, shall be deemed and taken to be null and of no effect; if two or more ballots shall be found rolled or folded together, or any ballot shall be wholly blank, then, and in every such case the ballot shall be deemed and taken to be null and of no effect; and in every case in which a ballot shall be declared null and of no effect, the same shall not, in any respect, be canvassed, estimated, or numbered, but one of the judges shall write thereon the word "rejected," and the same shall then be strung in the same manner in which the other ballots are directed to be strung, but on a different twine.

In what cases ballots to be deemed null in part.

P. L. 1862, p. 7.

46. That if, in canvassing and estimating the votes received by the board of election, at any election hereafter to be held in this state, any ballot or ballots shall be found to contain more names for any office than there are persons to be elected to fill such office, or have the name of any person thereon for whom no office is designated, then in every such case the ballot or ballots shall be deemed and taken to be null and of no effect only so far as respects the office for which there are more names than there are persons to be elected to fill such office, or as respects the name of the person thereon for whom no office is designated (as the case may be), and no further.

Statement of result to be made.

R. S. 408, § 57.

47. That in all elections which shall be held under this act for the choice of a governor, a member of the state senate, members of the general assembly, clerk and register of the county, surrogate, sheriff and coroners, and such other county officers as may be required to be elected at the general election, or any of them, the board of election shall make a statement of the result thereof, and a certificate, in like form with that prescribed in the fifty-first section of this act, and agreeably to the directions therein contained; and whenever an election is held for the choice of a governor, the township board of election shall cause to be

Certificate.

made an additional copy of the statement of the results of the election, and of the certificate thereto, which copy they shall certify and subscribe, enclose, seal up and transmit to the secretary of state, in the time and manner prescribed in the fiftieth section of this act; and the secretary of state, on receiving the same, shall forthwith file the same in his office as an official paper.

48. That when a governor, a clerk or register, of a county, or a surrogate, shall be voted for at any election, the provisions of this act relative to the statement of the result by the board of county canvassers shall apply and be extended to the votes for such officers respectively; and the several provisions relative to the statement of the determination by said board shall apply to said votes for clerk and surrogate. Statement of result, etc. Ib. § 58.

49. That the board of election shall make, or cause to be made, a copy of the statement of the result of such election, and the certificate thereto, which shall be made under the forty-seventh section of this act, and each member of the board shall sign his name thereto with his own hand; and the clerk of such board shall attest the signing of the same by such board by signing his own name thereto with his own hand. Copy of statement to be made. Ib. § 59.

50. That whenever an election shall be held for the choice of a member or members of the house of representatives, or electors of president and vice president, such board shall make, or cause to be made, an additional copy of the statement of the result of such election, and of the certificate thereto, which copy they shall certify and subscribe as is hereinbefore directed, and shall enclose, seal up and transmit the same by mail to the secretary of state, within five days next after such election, directing the same in the following manner: Additional copy of statement to be made in congressional and electoral elections. Ib. § 61.

"To the Secretary of the State of New Jersey,
Trenton, New Jersey."

And the secretary of state, on receiving such copy, shall forthwith file the same in his office as an official paper.

51. That in all elections which shall be held under this act, for state and county officers, the board of election shall make a statement of the result thereof, and a certificate to the same, in the following or like form: Form of statement. Ib. § 62.

"A statement of the result of an election held in the township of _____, in the county of _____, on the _____ day of November, in the year of our Lord one thousand eight hundred and _____, for a member of the senate, members of the general assembly, a sheriff and three coroners, for said county;

The whole number of names on the poll-list is	_____	;
The whole number of ballots rejected is	_____	;
For member of the senate,		
	received	_____ votes;
	received	_____ votes;
For members of the general assembly,		
	received	_____ votes;
	received	_____ votes;
For sheriff,		
	received	_____ votes;
	received	_____ votes;
For coroners,		
	received	_____ votes;
	received	_____ votes;

We do certify that the foregoing is a true, full and correct statement of the result of the election above mentioned, and that the same exhibits the whole number of the names on the poll-book and of the ballots rejected, the name of each person for whom any vote or votes were given for any office designated for him in such vote or votes, and the number of votes given for each person for the office or offices so designated for him.

In witness whereof, we have hereunto set our hands, respectively, this _____ day of November, in the year of our Lord one thousand eight hundred and _____

Attest:

Clerk."

} Judges
of
Election.

Making under each head a list of the names of all the persons for whom any vote or votes were given for the office or offices designated therein, and stating opposite to the same, in words written at full length, as before directed, the number of votes given for each person for such office or offices, and filling up all other blanks in the form above given to conform to the facts of the case; and in every other election which shall be held under this act, the board of election shall make a statement of the result thereof, and a certificate to the same, in a form similar to that above given, as far as the nature of such election will admit.

Duty of board of election after estimating and canvassing ballots.

52. That as soon as the election shall be finished, all ballots which have been cast, whether the same have been estimated and canvassed, or rejected for any cause, the poll-list, the tally-papers, the oaths or affirmations of the judges and inspectors and clerks, shall all be carefully collected and deposited in the ballot-box, and such ballot-box after being locked, shall be closely bound with tape and sealed by the judge and inspectors of election; and shall, within one day thereafter be delivered by one of the inspectors to the clerk of the county, who shall keep such boxes containing the tickets and other documents, and said clerk shall not take or open, nor permit to be taken or opened, any ballot-box deposited as aforesaid, for the space of six months after the same has been deposited as aforesaid, except when he shall be called upon by some court or other tribunal authorized to try the merits of such election, or take testimony regarding the same; and after such trial or investigation, it shall be the duty of the clerk to have said box or boxes returned and deposited as aforesaid.

5. MEETING AND DUTIES OF BOARD OF COUNTY CANVASSERS.

One member of each board of election to attend meeting of county canvassers.

R. S. 408, § 63.

53. That the board of election in each township, ward or district, in any such election, shall appoint one of the said board of election in such township, ward or district to attend the meeting of the board of county canvassers for such election, in the county in which such township, ward or district shall be situated, as a member thereof, and shall deliver to the member, who shall have been so appointed, the original statement of the result of such election in such township, ward or district, which shall have been made, certified and subscribed, as hereinbefore directed; and it shall be the duty of the members of the several boards of election, who shall have been so appointed, to attend the meeting of the board of county canvassers for such election, in the county in which they shall have been appointed, as members thereof.

Board of county canvassers, how constituted.
Ib. § 64.

54. That the members of the several boards of election, to whom the original statements of the result of such election in the townships to which they respectively belong shall have been delivered, as directed in the preceding section of this act, shall constitute the board of county canvassers for such election, in the county in which such township, ward or district shall be situated; and the clerk of such county shall be the clerk of such board.

Majority appointed to form board.
Ib. § 65.

55. That the major part of the members of the several boards of election who shall have been appointed to attend the meeting of such board, as members thereof, shall be sufficient to constitute such board.

Time and place of meeting of county canvassers.
Ib. § 66.

56. That such board shall meet on the Friday next after such election, at twelve o'clock, noon, of that day, at the court house of such county, and at that hour, without any delay, the members of such board who shall be then present shall proceed to choose one of their number, who shall be the chairman thereof; and as soon as such chairman shall be appointed, it shall be the duty of such chairman to administer to each of the other members, and of each of the other members to take an oath or affirmation in the following form:

Oath.

"You do swear, (or affirm, as the case may be), that you will faithfully and impartially execute the duties of a member of this board of canvassers according to law;" and thereupon one of the members of such board, to be appointed by such board for that purpose, shall administer to such chairman, and such chairman shall take an oath or affirmation in the same form as that taken by the other members of such board.

57. That if the clerk of such county shall be absent at such meeting, at the time appointed therefor, the board shall forthwith, after the oaths or affirmations shall have been administered and taken, as directed in the preceding section of this act, proceed to appoint a fit person to be the clerk of such board; and, before proceeding to canvass and estimate the votes in such county, the chairman of the board shall administer to the clerk thereof, and the clerk thereof shall take an oath or affirmation, in the following form:

If county clerk absent, his place how supplied.
Ib. § 67.

“You do swear, (or affirm, as the case may be), that you will faithfully execute the duties of clerk of this board according to law.”

Oath of clerk.

58. That as soon as the clerk of such board shall have been sworn or affirmed, as directed in the preceding section of this act, the members of the several boards of election who shall be present, and constitute such board, shall produce the original statements which shall have been delivered to them, respectively, as hereinbefore directed, and lay the same before such board; and such board shall then forthwith proceed to make two statements of the result of such election in such county, each of which statements shall contain the whole number of the names of the voters in the poll-books of the townships, wards and districts, respectively, and of the ballots rejected, the names of all the persons for whom any vote or votes shall have been given for any office or offices to be filled by such election, and the whole number of votes which shall have been given for each person for any such office or offices, mentioning the office or offices for which each person shall have been designated; and shall particularly contain the name of each township, the number of the names of the voters on the poll-books of the townships, respectively, and of the ballots rejected, the number of votes given in each township for each person for whom any vote or votes shall have been given for any such office, mentioning the office or offices for which each person shall have been designated; and in such statement the name of each person for whom any vote or votes shall have been given, the whole number of votes that shall have been given for each person, and the name of each township, ward and district shall be in words written at full length; and the number of the names on the poll-book of each township, the number of votes which shall have been given for each person in each township, ward and district for each office, and the whole number of votes on the poll-books of the several townships, wards and districts, and of the ballots rejected, may be in figures; and each of such statements shall be certified to be true and correct, by a certificate which shall be appended to the same; and the chairman of such board shall sign his name thereto with his own hand, in the presence of the clerk of such board, and such clerk shall attest the signing of the same by such chairman, by signing his name thereto with his own hand.^(a)

Proceedings and duties of county canvassers.
Ib. § 68.

59. That such board shall deliver one of the statements which shall have been made, certified and subscribed, as directed in the preceding section of this act, to the clerk of the county, who shall forthwith file the same in his office as an official paper; and the chairman of such board shall enclose and seal up the other thereof, and deliver or safely transmit the same, so enclosed and sealed up, to the secretary of this state, so that such secretary shall receive the same at Trenton within seven days next after the meeting of such board; and the secretary of state, on receiving such statement, shall forthwith file the same in his office as an official paper.

Copies of statement to be sent to county clerk and secretary of state.
Ib. § 69.

60. That if any one of the members of any board of election who shall have been appointed to attend the meeting of such board for any county, as a member thereof, shall be unable to attend such meeting, on the day appointed therefor, he shall, at or before the hour of twelve o'clock, noon, of that day, deliver or safely transmit to the clerk of such county the original statement of the result of the election, which shall have been delivered to him as hereinbefore directed.

Judge to send statement if he cannot attend.
Ib. § 70.

61. That if, on the day appointed for the meeting of such board, a major part of such board shall not attend at the court house of such

When board shall adjourn one day

(a) The board of county canvassers must make their statement of the result upon the statements laid before them. They have no authority to examine the regularity of the proceedings of the township boards, or to look behind the official returns made by them, *The State v. The*

Governor, 1 *Dutch*. 331. See *The State v. Common Council of Rahway*, 4 *Vr.* 111. The result of an election may be investigated by *quo warranto* notwithstanding the determination of the board, *State v. Clerk of Passaic*, 1 *Dutch*. 354.

county at the hour of twelve o'clock, noon, of that day, or if at that time the statements of the result of such election from every township, ward or district in such county shall not be produced, the canvassers then present shall adjourn to some convenient hour on the next day; and at the hour to which such adjournment shall have been ordered, the canvassers then present, whether or not they shall be a major part of the whole, shall organize themselves as a board, and proceed as hereinbefore directed.

County clerk to lay statements before board. Ib. § 72.

62. That the clerk of such county shall produce and lay before such board all such statements as shall have been delivered to him at or before the hour of twelve o'clock, noon, of the Friday next after such election, as hereinbefore directed; and if on that day such board shall not have been organized because the statements from every township, ward or district have not been produced, then such clerk shall forthwith, by a special messenger or otherwise, at the expense of such county, obtain such statement or statements as shall be deficient, in time to be produced to such board at their next meeting, and for this purpose either the original statement, or the copy thereof, directed to be delivered to the clerk of the township in which such original statements shall have been made, shall be sufficient; and the clerk of such board shall produce and lay before such board, at their meeting on the next day, all such statements and certified copies as he shall have obtained as above directed.

Proceedings to be public. Ib. § 73.

63. That all the proceedings of such board shall be open and public, and the decision of a major part of the members thereof, who shall be present at the meeting thereof, shall be deemed and taken to be the decision of such board; and if any member of such board shall dissent from a decision of the board, and shall desire to protect himself against any consequences which may result from such decision, he shall state his dissent in writing, and deliver the same to the clerk of such county, who shall file the same in his office.

Member may dissent.

Statements to be filed by county clerk. Ib. § 74.

64. That all the statements and copies of statements which shall be produced and laid before such board shall, by such board, be delivered to the clerk of such county, and shall be by him filed in his office as official papers.

Form of statement. Ib. § 75.

65. That the statement and certificate, which shall be made as is hereinbefore directed, shall, in case of an election for a member of the senate, members of the general assembly, a sheriff and coroners, or any of them, be in the following, or like form:

"A statement of the result of an election held in the county of _____, on the _____ day in November, in the year of our Lord one thousand eight hundred and _____, to elect a member of the senate, members of the general assembly, a sheriff and coroners of said county, made by the board of county canvassers for said county:

Names of persons voted for and the offices designated for each.	Names of townships, and the number of votes given for each person in each township.	Whole number of votes in the county.	Whole number of votes received by each person.
For member of senate, For members of assembly, For sheriff, For coroners,			
Number of names on the poll-book of each township. Number of ballots rejected.			

I do hereby certify, that the foregoing is a true, full and correct statement of the result of the election above mentioned, as the same is exhibited by the statements produced and laid before the board of county canvassers according to law, and that the same exhibits the number of

the names of the voters in the poll-books of the townships, wards and districts respectively, and of the ballots rejected, the whole number of the names of the voters in the poll-books of the several townships, wards and districts, the name of each person for whom any vote or votes were given, the number of votes given for each person in each township, ward and district, and the whole number of votes given for each person for each office designated for him, as they appear by the statements so produced and laid before the said board; In witness whereof, I have hereunto set my hand, this day of , in the year of our Lord one thousand eight hundred and ;

Chairman of the board of canvassers.

Attest.

Clerk."

And the blanks in the form above given shall be filled up to conform to the facts of the case; and the statement and certificate which shall be made in the case of an election of member or members of the house of representatives of the United States, or of electors of president and vice president of the United States, shall be in a form similar to that above given, as far as the nature of the election will admit. Statement of congressional election.

66. That the board of county canvassers, in case the election shall have been held for a member of the senate and members of the general assembly, a sheriff and coroners, or for any such officer, shall proceed to determine the person or persons who shall, by the greatest number of votes, have been duly elected to the office or offices for which he or they shall have been designated, as is hereinbefore directed; and thereupon such board shall make a statement of their determination, which shall be certified to be true and correct, by a certificate which shall be appended to the same, and signed by the chairman of such board, with his own hand, in the presence of the clerk of such board; and the clerk of such board shall attest the signing of the same by such chairman, by signing his name thereto, with his own hand; and the statement of such determination, and the certificate thereto, so made and subscribed, shall be annexed to the statement which shall have been made, certified, and subscribed, as hereinbefore directed, and shall be delivered therewith to the clerk of the county, and shall by him be filed in his office as an official paper. Statement of determination to be made. Ib. § 76.

67. That the statement of the determination of such board, in case of a stated election for a member of the senate, members of the general assembly, a sheriff and coroners, shall be in the following, or like form: Form of such statement. Ib. § 77.

"A statement of the determination of the board of county canvassers relative to an election held in the county of on the day of November, in the year of our Lord one thousand eight hundred and , for the election of a member of the senate, members of the general assembly of this state, and a sheriff and coroners for said county, for the ensuing year:

The said board do determine that, at the said election, was duly elected a member of the senate of this state; were duly elected members of the general assembly; was duly elected sheriff, and were duly elected coroners for said county.

I do certify that the foregoing is a true, full and correct statement of the determination of the board of canvassers therein mentioned.

In witness whereof, I have hereunto set my hand, this day of November, in the year of our Lord one thousand eight hundred and and

Chairman of the board of canvassers.

Attest:

Clerk."

And in case of a special election to fill a vacancy or vacancies in the senate or general assembly, or in the office of sheriff, the statement of the determination of such board, and the certificate thereof, shall be in a form similar to that above given, as far as the nature of the case will admit. So in vacancies.

68. That the board of county canvassers, in the case of an election for a member of the senate, members of the general assembly, a sheriff and coroners, or other county officers, or any of them, for any county, shall make the statement of the result thereof, and their determination as to Grounds on which statements are to be founded. Ib. § 78.

the person or persons who shall be elected therein; and in all other cases shall make the statement of the result of the election in such county upon, and only upon the statements which shall be produced and laid before the board, as directed in this act, by the members thereof, respectively, to whom such statements shall have been delivered, and the statements and copies of statements which shall be produced and laid before them by the clerk of such county, as is hereinbefore directed.

Certified copies are to be delivered to persons elected.
Ib. § 79.

69. That the clerk of such county shall make as many copies of the statement of the determination of such board, and the certificate appended thereto, in the case of an election for a member of the senate, members of the general assembly, a sheriff and coroners, or any of them, as there shall be persons declared to be elected, and shall certify such copies to be true, full and correct, by a certificate appended to each of them, and shall sign his name thereto with his own hand, and affix thereto the seal of the county, and shall without delay deliver one of the same to each person who shall be so elected.

Copies to be sent to secretary of state.
Ib. § 80.

70. That the clerk of such county shall make out a copy of such statement of the determination of such board, and the certificate appended thereto, and certify the same in the manner directed in the preceding section of this act, enclose and seal up the same, and transmit the same, so enclosed and sealed up, to the secretary of this state, at Trenton, within five days next after the meeting of such board; and the said secretary shall file the same in his office as an official paper.

Certificate of election of sheriff or coroner.

71. That when any person who shall at any such election have been elected to the office of sheriff or coroner, shall produce before the governor such a certified copy as is above mentioned, the governor shall forthwith commission such person as such sheriff or coroner; *provided always*, that nothing in this section contained shall be construed to render unnecessary the certificate of the judges of the court of common pleas, required by "An act concerning sheriffs."

6. DUTIES OF SECRETARY OF STATE.

Duties of secretary of state in certain contingencies.
R. S. 408, § 82.

72. That in case of any election for one or more members of the house of representatives, or for members of the house of representatives and electors of president and vice president, or governor, if it shall so happen that the secretary of state shall not, on or before the seventh day after the time appointed for the meeting of the board of canvassers in the several counties, have received the statements of the result of such election in every county, which are hereinbefore directed to be delivered or transmitted to him by the chairman of such board, such secretary shall forthwith, by a special messenger or otherwise, obtain such statement or statements as are deficient, and for this purpose the original statement directed to be filed by the clerk of the county in which such statement shall have been made, shall be sufficient; and whenever and so soon as such secretary shall receive or obtain any statement of the result of such election in any county, in the manner hereinbefore provided for, he shall ascertain whether or not such statement includes the statement of the result of such election in every township, ward and district of such county; and if it shall appear to him that the statement of the result of such election in any such township, ward or district is not exhibited by or included in the statement of the result of such election in such county, he shall forthwith ascertain whether or not a copy of the statement of the result of such election in such township, ward or district has been received in his office, as provided for by this act; and if it shall appear to him that such copy has not been so received, he shall forthwith, by a special messenger or otherwise, obtain such copy, and for this purpose the original statement directed to be filed by the clerk of such county, or the copy thereof, directed to be filed by the clerk of such township, ward or district, shall be sufficient; and such secretary shall, on the twenty-first day next after the day of such election, produce and lay before the board of state canvassers all such statements and copies as shall relate to such election, which shall have been received or obtained by him as hereinbefore provided for.

7. BOARD OF STATE CANVASSERS.

73. That it shall be the duty of the governor to attend at Trenton on the twenty-first day next after the day of such election, and to summon to attend him, on that day, four or more of the members of the senate, provided said members of the senate shall represent each political party, for the purpose of canvassing and estimating the votes given for each person for whom any vote or votes shall have been given for any office or offices to be filled at such election, and of determining and declaring the person or persons who shall, by the greatest number of votes, have been duly elected to such office or offices; and it shall be the duty of such members of the senate as shall be summoned, to attend at Trenton on that day for that purpose.

Time and place
of meeting of
state canvassers.
Ib. § 82.

74. That for the purpose of canvassing and estimating the votes as above mentioned, and of determining and declaring the person or persons who shall have been elected at such election, the governor and the members of the senate, who shall have been summoned as aforesaid, shall meet in the chamber of the senate, or some other convenient place at Trenton, at the hour of two o'clock in the afternoon of the day appointed for that purpose, and shall constitute a board of state canvassers; and the governor shall be the chairman thereof, and the secretary of this state shall be the clerk thereof.

Board consti-
tuted.
Ib. § 84.

75. That the chairman of such board, as soon as the same shall have met, shall administer to each member thereof, and each member thereof shall take an oath or affirmation in the following form:

Oath.
Ib. § 85.

"You do swear, (or affirm, as the case may be) that you will faithfully and impartially execute the duties of a member of this board according to law;" and thereupon one of the members of such board, to be appointed by such board for that purpose, shall administer to the chairman thereof, an oath or affirmation in the same form as that which shall have been taken by the other members of such board.

76. That if the secretary of state shall be absent at such meeting at the time appointed therefor, such board shall forthwith, after the oaths or affirmations shall have been administered and taken, as directed in the preceding section of this act, proceed to appoint a fit person to be the clerk of such board; and before proceeding to canvass and estimate the votes, the chairman of such board shall administer to the clerk thereof, and such clerk shall take an oath or affirmation in the following form:

Clerk appointed
if secretary of
state absent.
Ib. § 86.

"You do swear, (or affirm, as the case may be) that you will faithfully execute the duties of clerk of this board."

77. That such board shall consist of at least five persons, including the chairman thereof; and if a number of the members of the senate who shall have been summoned as members of such board, sufficient to constitute such board, shall not attend the meeting thereof, it shall be the duty of the governor to summon as members of such board, as many fit persons, who shall possess the qualifications required for members of the senate, as shall be necessary to complete the number required to constitute such board.

Vacancies, how
supplied.
Ib. § 87.

78. That as soon as such board shall have been organized, and the members and clerk thereof sworn or affirmed, the secretary of state shall produce and lay before such board all such statements and copies as relate to such election which he shall have received or obtained; and such board shall then forthwith proceed to make a statement of the result of such election in the state, which statement shall contain the whole number of the names of the voters in all the poll-books in the state, the names of all the persons for whom any vote or votes shall have been given for any office or offices to be filled at such election, and the whole number of the votes which shall have been given to each person for any such office or offices, mentioning the office or offices for which each person shall have been designated, and shall contain the name of each county, the number of names in the poll-books in the counties respectively, the number of votes given for each person in each county for any such office or offices; and in such statement the name of each person for whom any vote or votes shall have been given, the whole number of votes given for each person, and the name of each county, shall be in words written at full

Proceedings and
statement of re-
sult to be made.
Ib. § 88.

length; and the whole number of the names of the voters in all the poll-books in the state, the number of the names in the poll-books in the counties respectively, and the number of votes given for each person in each county, may be in figures, and such statement shall be certified to be true and correct, by a certificate which shall be appended to the same; and the chairman of such board shall sign his name thereto with his own hand, in the presence of the clerk of the board, and such clerk shall attest the signing of the same by such chairman, by signing his name thereto with his own hand; and the statement, and certificate appended thereto, which shall be made as above directed, shall be made in a form similar to that given in the sixty-fifth section of this act, as far as the nature of such election will admit; and when the statement and certificate above mentioned shall have been made and subscribed, such board shall proceed to determine the person or persons who shall, by the greatest number of votes, have been duly elected to the office or offices for which he or they shall have been designated, and thereupon such board shall make a statement of their determination, and such statement shall be certified to be true and correct by a certificate, which shall be appended to the same; and the chairman of such board shall sign his name thereto with his own hand, in the presence of the clerk thereof, and such clerk shall attest the signing of the same by such chairman, by signing his name thereto with his own hand; and the statement of such determination, and the certificate appended thereto, so made and subscribed, shall be made in a form similar to that given in the sixty-seventh section of this act, as far as the nature of such election will admit, and shall be annexed to the statement of the result of such election, and the certificate appended thereto, so made and subscribed as above mentioned; and both of such statements and certificates shall forthwith, after the completion of the same, be delivered to the secretary of state, who shall, as soon as the same shall be delivered to him, file the same in his office as official papers.

Secretary of state may be summoned to appear and produce papers withheld.
Ib. § 89.

79. That if the secretary of state shall neglect to produce and lay before such board all such statements and copies as shall have been received or obtained by him, or shall withhold any such statement or copy, the chairman of such board shall forthwith summon such secretary to appear before such board, to produce and lay before the board such statement or copy as he shall have neglected to produce and lay before such board, or shall have withheld, and thereupon such secretary shall forthwith produce and lay the same before such board.

Ground on which statements are to be made.
Ib. § 90.

80. That such board shall make the statement of the result of such election in the state, and their determination as to the person or persons who shall have been elected therein, upon, and only upon, the statements of the result of such election, or the copies of such statements which shall have been made by the board of county canvassers in the several counties, and produced and laid before such board; *provided*, that if it shall appear, by any such statement from any county, that the statement of the result of such election in any township of such county is not exhibited by or included in such statement, such board shall give full force and effect to the statement of the result of such election in such township, or the copy of such statement, which shall be produced and laid before such board by the secretary of state, as is hereinbefore directed.

Proceedings to be public.
Ib. § 91.

81. That the proceedings of such board shall be open and public, and the decision of a majority of the members thereof shall be deemed and taken to be the decision thereof; and if any member of such board shall dissent from such decision, and shall desire to protect himself against any consequences which may result from such decision, he shall state his dissent in writing, and deliver the same to the secretary of state, who shall file the same in his office.

Member may dissent.

Statements, etc., to be filed.
Ib. § 92.

82. That all the statements and copies of statements which shall have been produced and laid before such board, shall be delivered to the secretary of state, and be by him filed in his office as official papers.

Copies of statements, etc., to be given to persons elected.
Ib. § 93.

83. That the secretary of state shall make as many copies of the statement of the determination of such board, and the certificate thereto, as there shall be persons thereby declared to be elected, and shall certify such copies to be true, full, and correct, by a certificate appended to each

of them, and shall sign his name thereto with his own hand, and affix thereto the seal of the state, and shall, without delay, deliver one of the same to each of the persons, who shall be so elected.

84. That the governor and four or more members of the senate, to be summoned by him, shall constitute a board of state canvassers, for the purpose of estimating the votes given for governor; and the provisions of the seventy-second, seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, seventy-eighth, seventy-ninth, eightieth, eighty-first and eighty-second sections of this act shall extend to the canvass of the votes for the office of governor; and the secretary of state shall make out a copy of the statement of the determination of the board, and certify the same, agreeably to the provisions of the eighty-third section of this act, and shall without delay deliver the same to the person thereby declared to be elected.

Board of state canvassers to estimate votes given for governor.
Ib. § 95.

85. That the senate and general assembly shall convene and hold their sessions in the state house at Trenton; and in the organization of each house, the certified copies of the statements of determination made under the direction of the sixty-ninth section of this act, shall be deemed and taken to be *prima facie* evidence of the right of the persons therein mentioned to seats in the houses, respectively, to which they shall have been so determined to be elected.

What to be evidence of a right to seats in senate and assembly.
Ib. § 96.

86. That the clerk or member of the board of election of any township, ward or district, the clerk or the chairman of the board of canvassers of any county, or any other person who shall be in possession of any statement, or copy of any statement, which shall have been made and subscribed under the provisions of this act, shall forthwith, on application by any messenger who shall have been despatched for the same by the secretary of state, deliver to such messenger such statement or copy; and the clerk or member of the board of election of any township, ward or district, or any other person who shall be in possession of any statement, or copy of any statement, which shall have been made and subscribed under the provisions of this act, shall forthwith, on application by any messenger who shall have been despatched for the same by the clerk of such county, deliver to such messenger such statement or copy; and such messenger, in either case, shall be commissioned as such in writing, under the hand and official seal of the officers by whom he shall have been despatched, and shall exhibit his commission to the person to whom he shall apply for such statement or copy; and when he shall have obtained such statement or copy, shall forthwith deliver the same to the officer who shall have despatched him.

Statements sent for by secretary of state to be delivered to messenger.
Ib. § 98.

87. That the board of election in each township, ward or district, the board of county canvassers in each county, and the board of state canvassers, shall respectively possess full power and authority to maintain regularity and order, and to enforce obedience to their lawful commands during their sessions, respectively; and if any person shall refuse to obey the lawful command of any such board, or by disorderly conduct in their hearing or presence, shall interrupt or disturb their proceedings, they may by an order in writing, signed by the chairman, and attested by the clerk of such board, commit the person so offending to the common jail of the county in which they shall have met, for a period not exceeding thirty days; and such order shall be executed by any sheriff or constable to whom the same shall be delivered, or, if a sheriff or constable shall not be present or refuse to act, by any other person who shall be deputed by such board in writing; and the keeper of such jail shall receive the person so committed, and safely keep him for such time as shall be mentioned in the commitment.

Boards of election, county and state canvassers may commit disorderly persons.
Ib. § 99.

8. CONTESTED ELECTIONS FOR GOVERNOR.

88. That any person intending to contest the election of governor, shall, within thirty days next after such election, give notice in writing to the person whose election he intends to contest, stating such intention, and setting forth the facts, charges and specifications, upon which he means to rely; which notice shall be delivered to such person, or be left

Contestant to give notice.
R. S. 445, § 1.

- How served. open at his usual place of residence, with a member of the family over the age of fourteen years.
- Petition to be delivered to president of senate. Ib. § 2. 89. That the said contestant shall address and cause to be delivered to the president of the senate, as soon as that body shall be organized by the election of a president, a petition in writing, setting forth that the said petitioner intends to contest the said election of governor, and the facts, charges and specifications upon which he means to rely, and praying that a joint committee of the two houses of the legislature may be appointed to try the same; which petition shall be accompanied by the affidavit of the petitioner, that the facts, matters and things in said petition contained are true, as he verily believes; and shall be also accompanied by due proof that the notice mentioned in the preceding section has been given as is therein directed.
- Two houses to convene, etc. Ib. § 3. 90. That upon the receipt of such petition, verification and proof, the said president shall immediately give information thereof to both houses of the legislature, who shall, on a day and hour to be agreed upon between them, not exceeding ten days from the delivery of such petition, convene in the senate chamber, and proceed to appoint such committee.
- Process of electing committee to try case. Ib. § 4. 91. That the president of the senate shall preside at such meeting; the names of the members of each house shall be called over, and thereupon the names of the members of the senate present shall be written on distinct pieces of paper, as nearly similar as may be, and each rolled up and put into a box by the clerk of the assembly, and after being shaken and intermixed, shall be placed on the president's table, and the secretary of the senate shall then draw from the said box the papers so rolled up, and deliver them singly to the speaker of the house of assembly, who shall open and read them aloud as he receives them, and deliver them singly to the president of the senate, who shall place them open on the table; and the clerk of the house shall take down the names as they are so called, in writing, until the number of ten names be drawn, when the drawing shall cease; the names of all the members of the house of assembly who are present, shall then in like manner be written on similar distinct pieces of paper, and each rolled up and put into a box by the secretary of the senate, and after being shaken and intermixed, shall be placed on the president's table; and the clerk of the house shall then draw from the said box the papers so rolled up, and deliver them singly to the president of the senate, who shall open and read them aloud as he receives them, and deliver them singly to the speaker of the house, who shall place them open on the table, and the secretary of the senate shall take down the names as they are so called, in writing, until the number of twenty-nine names shall be drawn, when the drawing shall cease.
- Process of striking names. Ib. § 5. 92. That when the names of ten members of the senate and twenty-nine members of the house of assembly shall have been so drawn, a list of the members so selected shall be given to each of the parties, or their counsel, who shall immediately withdraw to some adjoining room, with a clerk or member appointed by the joint vote of the members present, where they shall proceed alternately to strike off the names upon the said list, the contestant striking first, until the number shall be reduced to four members of the senate and nine members of the house of assembly; and within one hour from the time of so withdrawing, shall deliver to the president of the senate, the names of the said thirteen members remaining on the list, who shall constitute a committee to try the matter in controversy, and shall respectively take an oath or affirmation, to be administered by the president of the senate, to try the matter of the petition, and to give true judgment thereon, according to evidence; and the time and place for the meeting of the select committee so appointed, shall then be directed by the joint vote of the members of both houses, which shall be within twenty-four hours of the appointment.
- Committee selected. 93. That as soon as the lists shall have been delivered to the parties aforesaid, the clerk of the house of assembly shall proceed to draw out, one by one, the names of the remaining members of the senate and deliver them singly to the speaker of the house, who shall unfold and read them aloud; and then the secretary of the senate shall in like manner draw out the names of the remaining members of the house of assembly and deliver
- Names of remaining members drawn. Ib. § 6.

them singly to the president of the senate, who shall unfold and read them aloud; and if any unfairness or mistake shall be discovered therein, then the whole proceeding shall be set aside, and the business be renewed in manner and form as is hereinbefore directed.

94. That the committee so chosen, shall, on their first meeting, elect a chairman from among themselves, and some competent person as clerk, and in case of the sickness, death, resignation, or inability to act of either, may choose another in his place; and in case of the refusal or inability of any member of the committee so chosen to act, the committee shall by a majority of votes, fill such vacancy by choosing a member to supply his place, if he be a senator, from the senate, if a member of the assembly from the house of assembly; *provided*, that no member who was stricken from the list of names drawn shall be eligible to be chosen; *and provided*, that such vacancy shall be filled before the committee shall have entered upon the hearing of the case.

Organization of committee.
Ib. § 7.

Vacancy, how filled.

95. That the said committee shall sit from day to day, Sundays excepted, and attend exclusively to the business before them until they shall have finally decided the case.

When to sit.
Ib. § 8.

96. That the said committee shall have power to send for persons, papers and records, to examine all witnesses who may come before them, upon oath or affirmation, to be administered by the chairman; and any person guilty of taking a false oath or affirmation before them, or of procuring another to do so, shall, upon conviction, be liable to the same punishment as persons convicted of perjury are liable to by law.

Powers.
Ib. § 9.

97. That all determinations of the said committee shall be by a majority of votes; as soon as the said committee shall have determined whether the election or return referred to them is legal and valid, or the contrary, and who, if any one, is duly elected to the said office of governor, the chairman shall make two reports thereof in writing, one of which he shall deliver to the president of the senate, and the other to the speaker of the house of assembly; which reports shall be entered on the journals of the respective houses, and shall be final and conclusive, and the person adjudged to be elected shall be entitled to the office; and if no one shall be adjudged to be elected, then the office shall be declared vacant.

Report of decision to be made.
Ib. § 10.

98. That the proceedings of the committee shall be conducted publicly; the parties shall be at liberty to appear before them in person, or by their counsel, and examine and cross-examine the witnesses produced, and be heard upon the questions that arise in the case.

Mode of proceeding in committee.
Ib. § 11.

99. That witnesses attending by order of the committee, shall have the same fees as are allowed at law; the clerk of the committee shall be allowed compensation at the rate of ten dollars per diem, but no fees; and all expenses incurred shall be taxed by the committee and paid by the treasurer on the certificate of the chairman.

Fees and expenses.
Ib. § 12.

9. CONTESTED ELECTIONS OF COUNTY AND TOWNSHIP OFFICERS.

100. That the several circuit courts of the state shall have jurisdiction to hear and determine all cases in which the election of any county, township or city officer, by the inhabitants in the respective counties may be contested, and for that purpose the said courts shall always be open.

Circuit courts to have jurisdiction of contested elections.

101. That the election of any person to a county, township or city office may be contested, for:

For what elections may be contested.

I. Mal-conduct, fraud or corruption on the part of the members of any board of election in any township, ward or district, or of any member of the board of county canvassers sufficient to change the result.

Fraud, etc.

II. When the incumbent was not eligible to the office at the time of the election.

Ineligibility.

III. When the incumbent has been duly convicted before such election of any crime which would render him incompetent to exercise the right of suffrage, and the incumbent has not been pardoned at the time of the election.

Conviction of crime.

IV. When the incumbent has given or offered to any elector or any member of a board of election, clerk or canvasser, any bribe or reward, in money, property or thing of value, for the purpose of procuring his election.

Bribery.

- Illegal voting, etc. V. When illegal votes have been received, or legal votes rejected at the polls sufficient to change the results.
- Error of canvassers. VI. For any error in any board of canvassers, in counting the votes, or declaring the result of the election, if such error would change the result.
- Term "incumbent." VII. For any other cause which shows that another was the person legally elected.
- What misconduct will set aside election. 102. That the term "incumbent," means the person whom the canvassers declare elected.
- Contestant to file petition. 103. That when the misconduct complained of is on the part of the members of the board of election in any township, ward or district, it shall not be held sufficient to set aside the election, unless the rejection of the vote of such township, ward or district would change the result as to that office.
- Bond to incumbent. 104. That the contestant shall file a petition in writing endorsed by at least fifteen qualified electors of the proper county or township as the case may be, setting forth one or more of the causes specified in section one hundred and one and the particular circumstances of the case duly verified by the oaths or affirmations of at least two of said petitioners, which shall be filed with the clerk of said court upon the contestants filing with the county clerk a bond to the incumbent with two or more sureties, to be approved by the justice holding such circuit or the county clerk, in the penal sum of five hundred dollars, conditioned to pay all costs in case the election be confirmed, or the petition be dismissed, or the prosecution fail.
- What to be set forth in the petition. 105. That when the reception of illegal, or the rejection of legal votes is alleged as a cause of contest, the names of the persons who so voted, or whose votes were rejected, with the township, ward or district where they voted or offered to vote, shall be set forth in the petition if known; the court shall appoint a suitable time for hearing such complaint, not more than thirty nor less than twenty days thereafter, and the contestant shall cause a notice of such trial, with a copy of the contestant's petition, to be served on the incumbent at least ten days before the day set for trial.
- When trial to proceed. 106. That the trial shall proceed at the time appointed unless postponed for good cause shown by either party by affidavit, the terms of which postponement shall be in the discretion of the court; *provided*, the court may for its own necessity or convenience, adjourn to such time not more than thirty days thereafter, as they may see fit, of which adjournment the parties interested shall take notice.
- Adjournments. 107. That the proceedings shall be similar to those in an action at law so far as practicable, but shall be under the control and direction of the court, which shall have all the powers necessary to the right hearing and determination of the matter, with power to order any amendments in the petition or proceedings as to form, and to allow adjournments to any time not more than thirty days thereafter for the benefit of either the contestant or incumbent, the grounds for such adjournment being shown by affidavit, on such terms as shall seem reasonable to the court.
- Proceedings to be similar to action at law, etc. 108. That the said court shall have authority and power to compel the attendance of any officer of such election, and of any other person capable of testifying concerning the same, and also to compel the production of all books, papers, tally lists, ballots and other documents which may be required at such hearing, and the style, form and manner of service of process and papers, and the fees of officers and witnesses, shall be the same as in the circuit court in other cases, as far as the nature of the case admits.
- Power of court. 109. That the court may require any person called as a witness who voted at such election, to answer touching his qualification as a voter, and if the court, from his examination, or otherwise, is satisfied that he was not a qualified voter in the county when he voted, then the court can compel him to answer for whom he voted; and if the witness answer such questions no part of his testimony on that trial shall be used against him in any criminal proceeding.
- Fees of witnesses. 110. That the contestant and incumbent shall be liable to the officers and witnesses for the costs made by them respectively; but if the election be confirmed, or the petition dismissed, or the prosecution fail, judgment
- What witness may be required to answer.
- Liability of parties for costs.

shall be rendered against the contestant and petitioner for costs; and if the judgment be against the incumbent, or the election be set aside, then he shall pay the costs at the discretion of the court, and after recording the judgment of the court the costs may be collected by attachment or otherwise.

111. That the court shall pronounce judgment, whether the incumbent or any contestant was duly elected, and the person so declared elected will be entitled to his certificate on qualification; if the judgment be against the incumbent, and he has already received the certificate of election, the judgment shall annul it; if the court find that no person was duly elected, the judgment shall be that the election be set aside.

Court to pronounce judgment.

112. That when either the contestant or incumbent shall be in possession of the office, by holding over or otherwise, the justice who presides at such trial shall, if the judgment be against the party so in possession of the office, and in favor of his antagonist, issue an order to carry into effect the judgment of the court, which order shall be under the seal of the court, and shall command the sheriff of the county to put the successful party into possession of the office without delay, and to deliver to him all books, papers and effects belonging to the same.

Court may issue order to carry into effect judgment.

113. That the party against whom judgment is rendered may appeal for error of law only, within twenty days, to the supreme court, but such appeal shall not supersede the execution of the judgment of the court, unless the party so appealing shall become bound to the other party by recognizance, as provided in the thirteenth section of the act entitled "An act respecting writs of error," approved March twenty-seventh, eighteen hundred and seventy-four; *provided*, the amount of such recognizance shall be fixed by the justice who presided at the trial, and shall be at least double the probable compensation of such officer for six months.

Appeal may be had to supreme court for error of law only.

114. That such appeal shall take precedence over all other causes upon the lists of arguments, and shall be set down for hearing, and determined upon the first day of the term, unless otherwise ordered by the court for its convenience; *provided also*, that the appellant shall give twenty days' notice of argument, unless the judgment of the circuit court shall not have been given in time to notice such appeal for trial on the first day of the term, in which case the same may be noticed for any other day in the term, and shall have the same precedence on such other day.

Appeal to take precedence over other causes.

115. That if, upon appeal, the judgment be affirmed, the justice who presided at the trial, or in his absence or inability to act, any other justice of the supreme court shall order the judgment of said circuit court to be enforced, as provided in section one hundred and twelve, if the party against whom judgment is rendered is in possession of the office, and the proceedings on the recognizance shall be as provided for in other cases in said supreme court.

Mode of enforcing judgment on appeal.

10. CONTESTED ELECTIONS FOR MEMBERS OF THE LEGISLATURE AND CONGRESS.

116. That if any person shall intend to contest the right of any person who shall have been declared, at any such election, to be duly elected a member of the senate, a member of the general assembly, or a member of the house of representatives of the United States, to a seat in the house of which he shall have been declared to be elected a member, the person so intending shall, within thirty days next after the day of such election, give notice in writing of such intention to the person whose seat he shall intend to contest; which notice shall be delivered to such person, or shall be left open at his usual place of residence, with one of the family above the age of fourteen years; and such notice shall particularly set forth the ground or grounds on which such seat will be contested.

Persons intending to contest elections, to give notice to opposite party.

R. S. 408, § 100.

117. That the judges of the court of common pleas, the commissioners to take bail and affidavits in the supreme court, and the masters in chancery, respectively, shall have power, and are hereby required, at any time, on application to them by any person who shall intend to contest the right of any person to a seat as above mentioned, or whose right to a seat shall be contested, to issue a subpoena or subpoenas to any person or persons whose testimony the person so applying shall be desirous to take, and to appoint some time, not less than ten nor more than twenty days after such

Subpoenas in cases of contested elections, by whom issued. *Ib.* § 101.

application shall be made to him, and some place for the examination of such person or persons; *provided*, that no officer shall issue any such subpoena or appoint such time, unless he shall be satisfied that such notice has been given as is directed in the preceding section of this act.

Notice to be given of taking depositions.
Ib. § 102.

118. That when such time and place shall have been appointed, the person who shall have made such application shall forthwith give at least eight days' notice of such time and place, and of the name of the officer who is to take the testimony, to the opposite party; which notice shall be in writing, and shall contain the name or names of the witness or witnesses intended to be examined, and shall be given in the same manner as the notice mentioned in the one hundred and sixteenth section of this act is directed to be given.

Manner of taking depositions.
Ib. § 103.

119. That, at the time and place which shall have been so appointed, the officer appointing them shall attend and take the deposition or depositions of such person or persons as shall appear before him; which deposition or depositions shall be taken in writing, and shall be in the handwriting of such officer, or of the person or persons, respectively, who shall be examined, and shall be signed by the person or persons, respectively, who shall be examined; *provided*, that such officer shall not proceed to take the testimony of any person, unless he shall be satisfied that such notice has been given as is hereinbefore directed, and that he shall take the testimony of no other person than such as shall be mentioned in such notice; and that no testimony shall be taken which shall not relate to some ground of contest specified in the notice which shall have been given, as is hereinbefore directed.

To whom and by whom depositions are to be transmitted.
Ib. § 104.

120. That the officer who shall take any such deposition or depositions, shall certify the same under his hand and shall enclose, seal up, and transmit or deliver the same, in case the intended contest shall relate to a seat in the senate, to the president of that body; in case it shall relate to a seat in the general assembly, then to the speaker of that body; and in case it shall relate to a seat in the house of representatives of the United States, then to the speaker of that body.

Penalty for non-attendance of witnesses.
Ib. § 105.

121. That it shall be the duty of every person upon whom a subpoena, issued under and by virtue of this act, shall have been served, and to whom the lawful fees shall have been paid or tendered, to obey the command of such subpoena, under the penalty of fifty dollars, to be sued for and recovered, with costs, in an action of debt, before any court of competent jurisdiction, by the person on whose application such subpoena shall have been issued; *provided always*, that no person shall in any case be required to attend any such examination as a witness out of the county in which he resides; and if any person duly subpoenaed as aforesaid shall neglect or refuse to obey the command of such subpoena, it shall be lawful for any justice of the supreme court of this state, on due proof by affidavit of the service of a subpoena on such witness, and of the payment of his legal fees and of his refusal or neglect to obey the command of said subpoena as aforesaid, to issue an attachment against such person to bring him before said justice or before the bar of the supreme court as said justice may direct; and the said justice or court shall have power to proceed against said witness as for a contempt of said court.

Attachment may be issued.

11. FEES.

Compensation to certain officers.
Ib. § 115.

122. That the officers named in this section shall be entitled to demand and receive, for the services herein mentioned, the fees hereto respectively annexed, and no more, to be paid by the collectors of the counties, respectively, in which such services shall be performed:

The clerk of each township, for advertising each election, one dollar and fifty cents.

The clerk of election, for each day's service, three dollars.

Each member of the boards of election, for each day's service, three dollars.

Each member of any board of county canvassers, for each day's service, three dollars.

For mileage, in attending any such board, five cents for every mile, out and in, to be computed from the court house to his residence.

The clerk of each county, for advertising any special election, two dollars.

The clerk of any board of county canvassers, for each day's service, one dollar and fifty cents.

123. That the officers and persons named in this section shall be entitled to demand and receive, for the services herein mentioned, the fees thereto respectively annexed, and no more, to be paid by the person for whom such services shall be performed:

Fees of persons named for certain services. Ib. § 116.

The judge, commissioner, or master, for issuing each subpoena, twenty cents.

For administering each oath or affirmation, ten cents.

For taking depositions, twenty cents for each folio.

The person who shall serve any subpoena, for each subpoena, twenty-five cents.

Each witness, for each day's attendance, fifty cents.

124. That the officers hereinafter named shall, for the services herein mentioned, receive the fees thereto annexed, to wit: the secretary of state, for giving to the clerk of a county such notice of election as is required by the fourth and seventh sections of this act, the sum of fifty cents for each notice, and also all postage incurred by him, if any, in giving such notice, to be paid by the treasurer of the state; the clerk of a county, for making out and transmitting to the clerk of each township, a copy of such notice received from the secretary of state, and also for giving such notice as is required by the fifth section of this act, the sum of fifty cents for each notice or copy of notice, together with all postage, if any, necessarily incurred by him in transmitting the same, to be paid by the collectors of the counties, respectively, in which such services shall be performed.

Fees of secretary of state and county clerk for notices of election. Ib. § 117.

12. MISCELLANEOUS PROVISIONS.

125. That no person shall be elected a member of the house of representatives, or an elector of president and vice president, who shall hold any office of trust or profit under the United States; and no person shall be elected to the office of such elector who shall hold the office of senator or member of the house of representatives of the United States.

Who ineligible to office of member of congress or elector. Ib. § 20.

126. That no persons shall hold at the same time more than one of the following offices: elector of president and vice president of the United States, member of the house of representatives of the United States, members of the senate or of the general assembly of this state, clerk or surrogate of a county, sheriff, or coroner; and if any person who shall have been elected or appointed to any such office shall, during the term for which he shall have been elected or appointed, be elected or appointed to another of such offices, and shall accept the same, such acceptance shall be deemed to make vacant the office to which he shall have been previously elected or appointed; and if any person shall, at any election, be elected to two or more of such offices, he shall accept but one of the same, and the other or others shall be deemed vacant.

Who incapable of holding more than one of certain offices. Ib. § 21.

127. That no person shall make, lay or deposit any bet, wager or stake, to be decided by the result of any such election, by the election or defeat of one or more persons at such election, or by any contingency connected with or growing out of any such election; and all contracts for or on account of any money, property or thing in action so bet, wagered or staked, shall be void; and any person who shall pay, deliver or deposit any money, property or thing in action upon the event of any bet, wager or stake prohibited by this section, may sue for and recover the same of the winner or winners, or person or persons, to whom the same, or any part thereof, shall have been paid or delivered, or with whom the same, or any part thereof, shall have been deposited, whether he or they shall have been a stakeholder or stakeholders, or other person or persons, whether or not the same shall have been paid over by such stakeholder, or whether or not such bet, wager or stake shall have been lost.

Betting on elections prohibited. Ib. § 106.

128. That if any person shall be guilty of wilful and corrupt false swearing or affirming, or by any means shall wilfully and corruptly suborn or procure any person to swear or affirm falsely, as aforesaid, in taking any oath, affirmation or deposition prescribed or authorized by

Punishment for false swearing. Ib. § 107.

this act, he shall be deemed and taken to be guilty of a high misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment at hard labor, or both, at the discretion of the court before which such conviction shall be had, and be deemed and taken to be an incompetent witness thereafter for any purpose within this state, until such time as the judgment of such court, given against him therefor, shall be reversed; *provided*, that in no case shall such fine exceed the sum of eight hundred dollars, or such imprisonment the term of seven years.

Punishment for robbing ballot box, etc.
Ib. § 112.

129. That if any person shall rob or plunder any election box, or unlawfully and by stealth or violence take therefrom any ballot, ticket or other paper, or exchange, alter or destroy any ballot or ticket contained therein, or if any person other than the clerk of any county or the secretary of state, shall wilfully and corruptly suppress, withhold, mutilate, destroy, alter or change any return, statement, or certificate, or any copy thereof, which shall have been made in pursuance of this act, and delivered to him to be filed, or which shall have been intrusted or delivered to him to be delivered or transmitted to any other person or persons in pursuance of this act, every such person, his aiders, procurers and abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment at hard labor for any term not exceeding two years, or both.

Punishment of county clerk and secretary of state for certain misdemeanors in office.
Ib. § 113.

130. That if the clerk of any county shall wilfully and corruptly suppress, destroy, mutilate, change or alter any statement or certificate of the result of any election, or any copy thereof, made in pursuance of this act, which shall have been delivered to or received by him, or omit or refuse to produce and lay the same before the board of county canvassers, or if the chairman or clerk of any such board shall wilfully and knowingly certify, sign or attest any false or untrue statement of the result of any election, or any false or untrue statement of the determination of any such board, or of the certificate thereto, or shall wilfully and corruptly refuse or omit to certify sign or attest any such certificate which he is by this act required to certify, sign or attest, or if any secretary of state or clerk of the board of state canvassers shall wilfully and knowingly certify, sign or attest any false or untrue statement of the result of any election, or any false or untrue statement of the determination of any such board, or of the certificate thereto, or shall wilfully and corruptly suppress, destroy, mutilate, change or alter any statement or certificate of the result of any election, or any copy thereof, made in pursuance of this act, which shall have been delivered to or received by him, or omit or refuse to produce and lay the same before the board of state canvassers, every such person so offending, his aiders, procurers or abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor for any term not exceeding seven years, or both.

Construction of word township.
Ib. § 114.

131. That, for the purposes of this act, the term "township" shall be construed to include every city, borough, ward, election district, or precinct in which any election held under this act is or shall hereafter be by law directed or authorized to be held.

Additional penalty for sale of liquor on election day.

P. L. 1867, p. 1013, § 3.

132. That in addition to the penalties provided by the sixty-third section of "An act concerning crimes" for the violation of the provisions of said section, every person so offending, for every offence shall forfeit and pay the sum of one hundred dollars, to be sued for and recovered in an action of debt, in any court having jurisdiction of that amount, by any citizen of this state, resident in the county where such offence shall be committed, one-half of which penalty shall, when collected, be paid to the county collector of said county, where said offence is committed, for the benefit of said county, and the other half to the person who shall prosecute for the same.

Duty of sheriffs and constables on election day.
Ib. § 4.

133. That it shall be the duty of all sheriffs, under-sheriffs, police officers and constables, on any such election day, between sunrise in the morning and sunset in the evening, to arrest without warrant, all persons who shall be found by them in the actual violation of any of the provisions

of section sixty-three of "An act concerning crimes," and take such persons when arrested before some justice of the peace of the county in which such arrest shall be made, to be dealt with by said justice according to law, and it shall be the further duty of such sheriffs, under-sheriffs, police officers, and constables, to effectually close up all places where they shall have good reason to believe any spirituous, vinous, malt liquors, ale, beer or cider, are being sold or offered or exposed for sale or given away, and keep the same effectually closed up till after sunset on such election day.

II. Of particular elections.

OF PRESIDENTIAL ELECTORS AND MEMBERS OF CONGRESS.

134. That on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy-six, and in each fourth year thereafter, an election shall be held in this state, to elect, for this state, such a number of persons to be electors of president and vice-president of the United States as this state shall be entitled to elect or appoint, each of whom shall be a male citizen of the United States, of the age of twenty-five years or upwards, and an inhabitant of this state, and have been a citizen of the United States seven years next preceding such election.

Time of choosing electors.

R. S. 408, § 9.

135. That the stated election of members of the house of representatives, and also the election of electors of president and vice president of the United States, in every year in which the same are respectively required to be made, shall be held at the same time with the election of members of the general assembly; and the voters shall put the name of the person voted for as a member of the house of representatives, designating him as such, and also the names of the persons voted for as electors of president and vice president, designating them as such, on the same ticket with the names of the persons voted for as members of the state legislature and county officers.

When election for representatives and electors to be held.
Ib. § 10.

136. That in case of an election for one or more members of the house of representatives, the secretary of state shall prepare a general certificate of the election of such member or members, and lay the same before the governor, who shall sign his name thereto with his own hand, in the presence of such secretary; and such secretary shall attest the signing of the same by the governor, by signing his name thereto with his own hand, and shall thereupon affix the seal of the state thereto, and transmit the same forthwith to the clerk of the said house of representatives, if they shall then be in session, and if not in session, then at their first meeting; and in case of an election for electors of president and vice president of the United States, such secretary shall prepare a general certificate of the election of such electors, and lay the same before the governor, who shall sign his name thereto with his own hand, in the presence of such secretary; and such secretary shall attest the signing of the same by the governor, by signing his name thereto with his own hand, and shall thereupon affix the seal of the state thereto, and deliver the same to the president of the college of electors of this state, on the day and at the time and place appointed for the meeting of such college.

Certificate of election of member of congress to be sent to clerk of house of representatives.
Ib. § 94.

Certificate in case of electors.

137. That the electors of president and vice president shall convene in the state house at Trenton, on the day appointed by congress for that purpose, and constitute an electoral college, at the hour of three o'clock in the afternoon of that day, and, after choosing a president and secretary from their own body, shall proceed to perform the duties required of them by the constitution and laws of the United States.

Time and place of meeting of electors.
Ib. § 97.

III. Of elections to supply vacancies.

138. That whenever any vacancy shall happen in the representation of any county in the senate or general assembly, the house in which such vacancy happens shall direct a writ of election for supplying the same, unless such house shall be of opinion that the services of a person in the office then vacant will not be required during the unexpired period of the legislative year; but if such vacancy happens during the recess of the legislature, or after the annual election, and not less than fifteen days

Vacancies in legislature, how supplied.
Ib. § 11.

before the commencement of the legislative year, (for a shorter time before such commencement, if the board of chosen freeholders make the requirement hereinafter mentioned), it shall be the duty of the governor forthwith to issue a writ of election to fill the said vacancy, unless he shall be of opinion that the services of a person in the office then vacant will not be required during the legislative year, or the residue thereof; but the neglect of the governor to issue a writ for filling such vacancy shall not preclude the house in which such vacancy may have happened from causing the same to be filled, if they judge it advisable; *provided also*, that if the board of chosen freeholders of such county shall signify in writing to the governor, in case such vacancy occurs during the recess of the legislature, or after the annual election, and before the commencement of the legislative year, or to such house, when in session, the desire of such board that the vacancy shall be filled, then such house, or the governor, as the case may be, shall forthwith, after such signification, issue such writ.

Special elections. 139. That every special election shall be held on one day only, which shall be Tuesday.

Seat in legislature declared forfeited in certain cases. *Ib.* § 13. 140. That if any person who shall be elected a member of the senate or general assembly of this state shall neglect or refuse, for ten days next after the commencement of the session of such house, to take his seat therein, or to send to such house a satisfactory excuse, or shall, during any session of such house, be absent unremittingly for ten days (unless expressly excused by such house from attendance thereon), or shall remove from and cease to be a resident of this state, or of the county or assembly district for which he may have been elected, his office shall be deemed vacant.

Vacancies in electoral college, how supplied. *Ib.* § 14. 141. That when any vacancy shall happen in the college of electors of this state, or when any elector shall fail to attend, by the hour of three o'clock in the afternoon of the day fixed by the congress of the United States for the meeting of the college of electors, at the place of holding such meeting, those of the said electors who shall be assembled at the said hour and place, shall immediately after that hour proceed to fill, by ballot and by a majority of votes, all such vacancies in the electoral college.

Vacancies in representation in congress, how supplied. *Ib.* § 15. 142. That whenever any vacancy or vacancies shall happen in the representation of this state in the house of representatives, it shall be the duty of the governor forthwith to issue a writ of election to fill such vacancy or vacancies, unless the term of service for which the person or persons whose office or offices shall have become vacant will expire within two months next after the happening of such vacancy or vacancies.

Vacancies in offices of clerk, register and surrogate. 143. That all vacancies happening in the offices of clerks, registers and surrogates of counties shall be supplied at the general election next succeeding the happening thereof.

Writs of election, what to contain. *R. S.* 408, § 17. 144. That every writ of election which shall be issued under the provisions of this act shall be of the nature of a proclamation, and be signed by the governor or by the president of the senate or the speaker of the house of assembly, as the case may be, and shall specify the cause and purpose of such election, the name of the officer, in whose office the vacancy has occurred, and the day on which such election shall be held, which shall not be less than fifteen days, nor more than forty days, from the date of such writ.

Copies to be delivered to county clerks. *Ib.* § 18. 145. That every such writ shall, by the officer issuing the same, be delivered forthwith after the date thereof to the secretary of state, who shall forthwith, after receiving the same, affix thereto the seal of this state, and file the same in his office, as an official paper; and in case such vacancy or vacancies shall have happened in the representation of any county in the senate or assembly, he shall make, or cause to be made, a copy of such writ, certify the same to be true and correct under his hand, and cause such copy thus certified to be delivered to the clerk of such county; and in case such vacancy or vacancies shall have happened in the representation of this state in the house of representatives, he shall cause as many copies of such writ to be made as there shall be counties, certify each of the same to be true and correct under his hand, and cause one of such copies to be delivered to the clerk of each county.

146. That the clerk of each county shall, forthwith after the receipt of any such copy, cause the same to be published, at least once a week, until the time of such election, in each of the newspapers which shall be printed or published in such county, or if no newspaper shall be printed or published in such county, then in at least two newspapers circulating most generally therein; and if such election shall be held to fill a vacancy or vacancies in the representation of such county in the senate or assembly, such publication shall be made at the expense of such county; and if such election shall be held to fill a vacancy or vacancies in the house of representatives, such publication shall be made at the expense of this state.

Clerks to give notice of election to fill vacancy. Ib. § 19.

IV. Of elections by soldiers and sailors absent from the state in time of war.

147. That whenever in time of war, any of the qualified electors of this state shall be in the actual military service of this state, or of the United States, in the army or navy thereof, by the authority of this state, or under a requisition from the president of the United States, and as such shall be absent from the election districts in which they reside, on the days appointed by law for holding any general or special election within this state, or within any congressional district, county, city, borough, town, township or municipality therein, such elector shall be entitled, at such times, to exercise the right of suffrage in their several districts in the manner and form hereinafter prescribed.

Soldiers and sailors absent from state in time of war to vote.

148. That such absent elector shall by an instrument in writing, executed by him not more than sixty days previous to any general or special election to be held in this state, authorize and empower any elector of the election district in which the said absent elector shall reside, on the day of said election, to cast for him his vote or ballot, in the manner prescribed in this act, for all officers for whom he would have a right to vote if he were present at such election; said instrument shall be signed by such absent elector, attested by two subscribing witnesses, and sworn (or affirmed) to before any field officer, captain, adjutant or commander of any regiment, company, battalion or detachment of any vessel or naval station to which the said absent elector may belong or be attached, and such officers are hereby duly authorized, to administer oaths and affirmations for the purposes specified in this act, and they shall attach to their signatures their official designations.

Such absent elector may by instrument in writing authorize the casting of his ballot.

149. That the said absent elector shall make and subscribe an affidavit in the form or of the effect following:

Affidavit to be taken by absent voter.

"I, A. B., do solemnly swear (or affirm), that I am a citizen of the United States, that I am now of the age of twenty-one years, that I have been (or will have been) a resident of the state of New Jersey for one year, and of the county of _____ for five months, next preceding the election to be held on the _____ day of _____, eighteen hundred and _____, and that I am now a resident of the _____ ward of the city (or town) of _____ and that I am (or will be) in all respects qualified to vote in said city (or town) at said election and until said election intend to be a resident thereof; and I do further swear that I am in the actual military service of the state of New Jersey (or of the United States), in the army (or navy) thereof, and that I am a member of company _____ of the regiment, (describing the organization, or vessel to which he belongs), now at or near _____ in the state (or territory, or country), of _____; sworn to and subscribed before me this _____ day of _____ anno domini eighteen hundred and _____."

150. That the said absent elector in the service as aforesaid, shall prepare and fold the ballot he designs to cast at such election, and enclose the same together with the instrument described in the one hundred and forty-eighth section of this act, in an envelope, duly sealed, having on the outside thereof, either written or printed, the affidavit prescribed in the last preceding section of this act, sworn to and subscribed as therein required; the said envelope prepared as aforesaid shall be enclosed by him in another envelope, marked "soldier's (or sailor's) vote," sealed and directed to the elector empowered by the instrument described in the one hundred and forty-eighth section of this act to cast the ballot of said

Ballot to be enclosed with instrument in writing.

absent elector, and the said absent elector may then transmit the same to the person to whom it is directed by mail or otherwise.

Form of instrument.

151. That the instrument described in the one hundred and forty-eighth section of this act, shall be in the words or of the effect following, namely:

"I, A. B., a resident and elector of the (ward of the) city (or township, or as the case may be), of in the county of in the state of New Jersey, but absent from my election district in the military service of the state of New Jersey, (or of the United States) and now at in the state of in company of the regiment of under the command of , do hereby authorize, empower, and direct C. D., of the election district above mentioned, to cast for me the ballot herewith enclosed, at the election to be held in said election district, on the day of , anno domini eighteen hundred and , in the manner provided by the laws of the state of New Jersey.

Mode of casting vote of absent voter.

152. That the elector to whom such letter shall be directed may open the outer envelope thereof, but he shall not open the inner envelope; on the day of such election, and between the opening and the closing of the polls thereof, he shall deliver such inner envelope to the board of election of the proper election district, and at the polls thereof, and if the person whose name shall be signed to the affidavit on the outside of said envelope shall be determined by the said board of election to be a duly qualified voter in such election district, said envelope shall be by the said board publicly opened, and the vote or ballot therein contained shall be duly deposited in the ballot box prepared to receive the ballots of voters, and the name of such absent elector shall be entered upon the poll-list, together with the name of the person delivering the ballot at the polls; in any election district where it is required that the names of the persons entitled to vote shall be registered, as hereinafter provided in this act, prior to the day of election, no envelope containing a soldier's or sailor's ballot shall be opened by the board of election unless the name of the person signing the affidavit on the outside of said envelope shall be found upon the registry list of the district where such person claims to reside, or unless an affidavit be made and subscribed by a voter of the district, to the effect that he knows that said person whose vote is so offered is a resident of said district; the ballots contained in any such envelope which shall have been opened or unsealed before the same shall have been delivered to the board of election, shall not be deposited in the ballot box, but shall be rejected.

Affidavits and instruments to be filed.

153. That the affidavits and instruments described in sections one hundred and forty-eight and one hundred and forty-nine of this act and all envelopes marked "soldier's or sailor's" votes, not opened at such elections, shall be kept and filed by the clerk of the election district in the same manner and place as the poll-lists of such election are required by law to be filed and kept.

Receipt for letter to be given to postmaster, etc.

154. That any person who shall be entitled to receive any letter or envelope marked as herein provided, before he shall take away the same, shall sign and deliver to the postmaster or his deputy or clerk, a receipt therefor, which receipt shall specify how many such letters or envelopes he has received, and otherwise, as far as may be, specify the particulars of the description thereof; and any wilful omission to comply with the provisions of this section shall be adjudged a misdemeanor, and any person convicted thereof shall be punished accordingly.

Person receiving soldier's ballot on delivering same to make oath.

155. That the person to whom any soldier's or sailor's ballot shall be sent as herein provided, shall at the time of delivering the same to the board of election to be deposited in the ballot box, also present his oath or affirmation in writing setting forth that the ballot or ballots therewith presented have been received by him to deliver to said board of election, and that he has not in any manner changed, altered or opened the said ballot or ballots, or the inner envelopes thereof, and that he believes the same have not been changed, altered or opened by any other person.

156. That any member of any board of election and any elector to whom said ballot shall be sent, who shall wilfully neglect or refuse to

perform any of the duties required of him by this act or in any manner wilfully violate or abuse any trust or duty hereby imposed, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than two hundred and fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for a period not exceeding six months, or both.

Penalty for neglect or refusal to perform duties required by this act.

157. That every person who shall be guilty of wilful and corrupt false swearing or affirming in taking any oath or affirmation prescribed by this act, shall be deemed guilty of wilful and corrupt perjury, and suffer the penalty prescribed therefor, and every person who shall make or sign a false certificate to any instrument or affidavit authorized by this act, shall be deemed guilty of a misdemeanor.

Penalty for false swearing.

158. That every person who shall deliver or present to the board of election, under this act, any false, forged, altered or changed ballot, envelope or instrument required or provided for by this act, knowing the same to be so altered, forged or changed, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor for any period not exceeding two years, or both.

Penalty for altering or forging ballot.

159. That any officer of this state, or of the United States, or any other person, who shall directly or indirectly control, or attempt to control, any such enlisted elector as aforesaid in the exercise of any of his rights under this act, by menace, bribery, fear of punishment, hope of reward, or any other corrupt or arbitrary measure or resort whatever, or to annoy, injure or otherwise punish any such absent elector for the manner in which he may have exercised any such right, shall be deemed guilty of an offence against the government and dignity of this state, which shall be punished as a misdemeanor, and for which he may be indicted and tried at any future time when he may be found within the limits of this state, and upon conviction he shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor not exceeding two years, or both, and he shall thenceforth, after conviction thereof, be ineligible to hold any office, or exercise the right of suffrage, in this state.

Penalty for officer, etc., controlling or corrupting voter.

160. That the secretary of state is hereby authorized and required to prepare and have printed, at the cost of this state, the necessary blank forms and envelopes required to carry out the provisions of this act, and shall cause the affidavits required by the one hundred and forty-ninth section of this act to be printed in blank upon the proper envelopes to contain the instrument required by the one hundred and forty-eighth section of this act, and shall at least two months previous to any general or special election cause such blank forms and envelopes, and copies of those sections of this act relating thereto, to be forwarded to the several regiments from this state, in the service of this state or of the United States, in the field, and to the several hospitals, posts and naval stations, in sufficient quantity to furnish one copy of each blank form, envelope, and of the sections of this act required to be printed as aforesaid, to each person in actual military service of this state, or of the United States, in the army or navy thereof, from this state, and absent therefrom.

Secretary of state to have prepared necessary blank forms, etc.

V. Registration of voters in cities of over ten thousand inhabitants.

161. That in all incorporated cities containing, according to the census of the year one thousand eight hundred and seventy, or of any subsequent census heretofore taken or hereafter to be taken either by authority of the laws of the United States or of this state, more than ten thousand inhabitants, there shall be a registration of all persons entitled to the right of suffrage therein, respectively; *provided*, that where any incorporated city containing less than ten thousand inhabitants shall lie adjacent to any other city containing more than ten thousand inhabitants, the provisions of this act, in regard to registration, shall apply to all elections held in such city containing less than ten thousand inhabitants.

Registry of voters to be made in certain cities.

P. L. 1871, p. 53, §1. Amended.

162. That the judge and inspectors of election in the several wards or election districts into which said wards are or may be divided, shall constitute a board of registry, and shall, as members thereof, severally take and subscribe an oath or affirmation before an officer authorized to admin-

Board of registry, how constituted. Ib. § 2.

- Oath. ister oaths and affirmations, faithfully and impartially to discharge all their duties under this act, according to the best of their ability, which oath or affirmation shall be entered on the register.
- Notice of time and place of meeting to be given.
Ib. § 3.
Amended. 163. That at least two weeks before the day fixed in and by this act for the first meeting of the board of registry, the city clerk of every such city as aforesaid, shall cause to be published in each of the daily newspapers of such city, and continued therein for at least three days, or in case there are no daily newspapers published in said city, then in any two weekly newspapers published in the county in which such city is, at least two weeks, a public notice of the time and place of commencing the registration of persons entitled to the right of suffrage in said city, revising the register, and holding the election in the several wards or election districts into which said wards are or may be divided, which place of registration, and of holding the election shall be the same.
- First meeting, when and where held.
Ib. § 4. 164. That the boards of registry shall hold their first meeting for the registration of persons entitled to the right of suffrage, in the several wards, or election districts, at the place designated in such notices, on Tuesday, three weeks next preceding the general state election, at seven o'clock in the morning, and shall remain in session until eight o'clock in the evening, but may take any necessary recess, not exceeding one hour during that time, and after taking and subscribing upon the register the oath or affirmation aforesaid, shall proceed to register the names and residences of all persons entitled to the right of suffrage at said election, who shall personally appear before them for that purpose, or who shall be shown to have legally voted in the ward or district at the last preceding general election, or shall be shown by the affidavit in writing of some voter in said ward or district to be a legal voter therein; *provided*, that no naturalized citizen shall be registered, if his right be challenged, unless he shall produce a legal certificate of naturalization, under which he claims a right to vote, before the board of registry, either at their first or second meeting, or shall have been duly registered at a previous election, in said ward or district, which certificate shall thereupon be endorsed with the date of exhibition.
- Hours of session. 165. That when the said board of registry shall have completed their register, they shall certify thereon, and announce publicly, the number of names entered thereon; that on the day succeeding such first meeting, a correct list of names of persons entered on said register shall be posted in a hand-bill form in some conspicuous and accessible portion of the premises where the meeting shall have been held, and another correct list of such names shall be filed with the city clerk, and be open for public inspection; both of which lists shall be certified by the board of registry, or a majority thereof, to be correct copies of the original register.
- Duty of board on completion of register.
Ib. § 5. 166. That the board of registry shall also meet on Thursday next preceding the day of general election, at the same hour and place as of their first meeting, and remain in session until eight o'clock in the evening, for the purpose of revising and correcting the original register, of adding thereto the names of all persons entitled to the right of suffrage in the election district at the next ensuing general election, and who shall appear in person before them, or shall be shown by the affidavit in writing of some voter in said ward or district to be a legal voter therein, and of erasing therefrom the name of any person who, after a fair opportunity to be heard, shall be shown not to be entitled to vote therein by reason of non-residence or otherwise; and upon the final completion of said register, the said board of registry shall publicly announce and certify on the register the number of names entered thereon; and on the next succeeding day shall cause certified copies of the list of names to be posted and filed as required by the one hundred and sixty-fifth section of this act, and if any person shall wilfully tear down, remove or deface any list of names posted pursuant to this act, he shall be deemed guilty of a misdemeanor, and on conviction be punished by a fine not exceeding five hundred dollars.
- Meeting of board for revising and correcting register.
Ib. § 6. 167. That the register shall contain a list of the persons entitled to the right of suffrage in the election district, arranged in the alphabetical order of their surnames in such a manner as to show the names at full
- Penalty for injuring register.
- Names and residences, how arranged on register.
Ib. § 7.

length, the residence, by the number, (if there be a number), and the name of the street, court or alley, or other location of the dwelling place of each person.

168. That the clerks of election of the various wards, or election districts into which the wards are or may be divided, shall attend at all meetings of the board of registry, and act as clerks of said boards; procure and furnish the register, make the entries therein and prepare the certified lists for posting and filing; *provided*, that in case of the absence of the clerk, from sickness or otherwise, said board may appoint a temporary substitute.

Clerk of board.
Ib. § 8.

169. That the proceedings of the board of registry shall be open to the public, and all persons entitled to the right of suffrage in the election district shall be entitled to be freely heard in relation to the revision and correction of the registry.

Proceedings to be public.
Ib. § 9.

170. That any member of the board of registry may, at any authorized meeting of the board, administer the oaths and affirmations required by law for testing and determining the qualifications of electors and their right to be registered; and that whoever shall swear or affirm falsely in relation thereto shall be deemed guilty of perjury, and suffer the punishment prescribed therefor.

Any member of board may administer oaths.
Ib. § 10.

171. That any person who shall cause or procure his name to be registered in more than one election district, or shall cause or procure his name or that of any other person to be registered, knowing that he or the person whose name he has procured to be registered is not entitled to vote in the ward or election district wherein said registry is made, at the ensuing election to be held therein, or who shall falsely personate any registered voter, shall be punished for each and every such offence by a fine not exceeding five hundred dollars, or imprisonment for a term not exceeding two years, or both, in the discretion of the court.

Penalty for fraudulent registry.
Ib. § 11.
Amended.

172. That the original register, after being revised and corrected, shall be carefully and safely preserved by the board of registry, for use by the members thereof as a board of election on the day of election, and no person shall be allowed to vote unless his name shall be found on the register; and if any member of the board of registry, shall refuse to register any person legally entitled to vote, or shall at the first meeting of the board of registry, register the name of any person who shall not have appeared before the board to require the registry of his name, or be shown to have legally voted in the ward or district at the last preceding general election, or to have been registered on affidavit, or shall at the second meeting of said board, register the name of any person who shall not have appeared before them to require it, or be shown by affidavit to be a legal voter therein as provided for in section one hundred and sixty-six, or, if when acting as judge or inspector of election, on the day of election, shall receive the vote of any person whose name shall not appear on the revised and corrected register, he shall be punished, on conviction, for every such offense, by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or both, in the discretion of the court.

Original registry to be preserved by board.

No person to vote unless registered.
Ib. § 12.

173. That on the day of election, the clerk of election shall keep the usual poll-list, and one of the board of election shall check on the register the name of the person voting, and that after the canvass of the votes, the poll-list and the register so kept and checked shall be attached together, and shall be filed with the clerk of the county, as hereinbefore provided.

Clerk to keep poll-list.
Ib. § 13.

174. That whenever there shall occur any vacancy from any cause, in the office of judge or inspector of election in any election district, the common council or board of aldermen of the city shall fill the same; but in all cases they shall provide that no more than two of the members of the board of election shall be chosen from the same political party.

Vacancies in board, how filled
Ib. § 14.

175. That the provisions of this act are hereby made applicable to all annual municipal elections, and to elections to fill vacancies in offices which are filled at general, state and annual municipal elections, in the cities affected by this act, except that the board of registry shall use the revised and corrected register of the general election immediately pre-

Act applicable to municipal and special elections.
Ib. § 15.
Amended.

ceding, taking the certified copy thereof filed with the city clerk, which shall be revised and corrected by the board of registry on Tuesday preceding the charter election or the election to fill a vacancy, as provided in section one hundred and sixty-six of this act.

Expenses, how paid.
Ib. § 16.

176. That the expenses of registration incurred under this act, shall be paid by the cities respectively to which it applies; that the clerk of election, and each of the members of the board of registry and of election, shall receive three dollars per day for his services under this act; *provided*, that compensation shall not be paid for more than six days, in respect to the general election, nor more than four days in respect to the municipal election.

Eight hours a day's labor on election day.

177. That eight hours shall constitute a day's labor on any day whereon any general or municipal election shall be held.

Oath of person challenged may be required to be reduced to writing.

178. That any member of the board of registry may require any oath administered to any person whose right to register shall be challenged to be reduced to writing and subscribed before such member; every oath in writing taken before any board of registry or election, on any day of registry or day of election, shall be preserved and filed with the clerk of the county, as hereinbefore provided in this act, for the poll book and ballots.

Construction of terms used.

179. That for the purpose of this act the term "ward" shall be construed to include every "aldermanic district" and every "election precinct" in any city; the terms "election districts" and "election district," shall be construed to include "election precincts" and "election precinct" in any city; the term "judges," wherever in this act applied to judges of election, shall be construed to be "the judge and the inspectors of election;" the term "common council" shall be construed to include "a council," "a board of aldermen" and any similar body by whatever name designated.

Supplement.

Approved April 21, 1876.

Appointment of election boards where no election held for members of boards prior to Nov. 1, 1876.

179a. SEC. 1. That it shall be lawful for the mayor and common council or board of aldermen of the several cities and boroughs, and the township committees of the several townships of this state, where no election shall have been held prior to the first day of November, eighteen hundred and seventy-six, for members of election boards as provided for in the act to which this is a supplement, severally to appoint two inspectors and one judge of election for each of the townships, wards, election districts or precincts where such election shall not have been held as aforesaid, who shall be residents of the townships, wards or election districts or precincts in which they are appointed, and who shall serve until their successors are elected or appointed under the act to which this is a supplement; the said inspectors shall not belong to the same political party.

VI. Assembly districts.

An act to re-apportion the several assembly districts of the state of New Jersey.

P. L. 1871, p. 45.

Approved March 22, 1871.

Number of districts.

180. SEC. 1. That for the purpose of electing members of the general assembly of this state, the several counties shall be formed into assembly districts equal in number to the number of members of the general assembly, which said counties are entitled to elect respectively, that is to say: the county of Cape May shall constitute one assembly district, to be composed of the several townships therein and the city of Cape May.

Cape May.

Atlantic.

181. SEC. 2. That the county of Atlantic shall constitute one assembly district, to be composed of the several townships therein and the city of Atlantic.

Cumberland.
First district.

182. SEC. 3. That the county of Cumberland shall constitute two districts: the first district to be composed of the first, second and third wards of the city of Bridgeton, and the townships of Fairfield, Downe, Hopewell, Stoe Creek and Greenwich; the second district to be composed of the first, second and third wards of the city of Millville, and the townships of Maurice River, Landis and Deerfield.

Second district.

183. SEC. 4. That the county of Salem shall constitute two districts, the first district to be composed of the townships of Lower Penns Neck, Upper Penns Neck, Pilesgrove, Upper Pittsgrove and Pittsgrove; the second district to be composed of the first and second wards of Salem city, and the townships of Elsinboro, Mannington, Upper Alloways Creek and Lower Alloways Creek. Salem.
First district.
Second district.
184. SEC. 5. That the county of Gloucester shall constitute two districts, the first district to be composed of Woodbury city, and the townships of West Deptford, Deptford, Mantua, Washington, Greenwich and Monroe; the second district to be composed of the townships of Clayton, Franklin, Harrison and Woolwich. Gloucester.
First district.
Second district.
185. SEC. 6. That the county of Camden shall constitute three districts; the first district to be composed of the first, second, third and fourth wards of the city of Camden; the second district to be composed of the fifth, sixth, seventh and eighth wards of the city of Camden and the townships of Stockton, and Delaware; the third district to be composed of Gloucester city and the townships of Centre, Haddon, Gloucester, Waterford and Winslow. Camden.
First district.
Second district.
Third district.
186. SEC. 7. That the county of Burlington shall constitute four districts; the first district to be composed of the townships of Bordentown, Chesterfield, New Hanover, Mansfield and Springfield; the second district to be composed of the townships of Burlington, Beverly, Cinnaminson and Chester; the third district to be composed of the townships of Willingboro, Pemberton, North Hampton, West Hampton, Lumberton and Evesham; the fourth district to be composed of the townships of Medford, South Hampton, Shamong, Woodland, Washington, Randolph, Bass River and Egg Harbor. Burlington.
First district.
Second district.
Third district.
Fourth district.
187. SEC. 8. That the county of Ocean shall constitute one assembly district, to be composed of the several townships therein. Ocean.
188. SEC. 9. That the county of Mercer shall constitute three districts, to remain as now composed.(1) Mercer.
189. SEC. 10. That the county of Monmouth shall constitute three districts; the first district to be composed of the townships of Upper Freehold, Millstone, Manalapan, Freehold and Howell; the second district to be composed of the townships of Holmdel, Marlboro, Atlantic, Wall and Ocean; the third district to be composed of the townships of Shrewsbury, Middletown, Matawan and Raritan. Monmouth.
First district.
Second district.
Third district.
190. SEC. 11. That the county of Middlesex shall constitute three districts, to remain as now composed.(2) Middlesex.
191. SEC. 12. That the county of Somerset shall constitute two districts, to remain as now composed.(3) Somerset.
192. SEC. 13. That the county of Hunterdon shall constitute two districts; the first district to be composed of the townships of West Amwell, East Amwell, Lambertville, Delaware, Raritan, Readington and Kingwood; the second district to be composed of the townships and boroughs of Frenchtown, Alexandria, Bethlehem, Union, Franklin, Clinton borough, Clinton township, Lebanon and Tewksbury. Hunterdon.
First district.
Second district.
193. SEC. 14. That the county of Union shall constitute three districts: the first district to be composed of the territory now comprising the first, second, third, fourth and eighth wards of the city of Elizabeth; the second district to be composed of the territory now comprising the fifth, sixth and seventh wards of the city of Elizabeth, and the townships of Union, Springfield, Cranford and Linden; the third district to be composed of the territory now comprising the four wards of the city of Rahway, and the townships of Plainfield, Westfield, Summit, New Providence and Clark. Union.
First district.
Second district.
Third district.
194. SEC. 15. That the county of Warren shall constitute two districts: the first district to be composed of the townships of Greenwich, Franklin, Warren.
First district.

(1) By the act of March 15, 1861, (P. L. 1861, p. 529), the county of Mercer is divided into three districts, as follows: the first to be composed of the townships of Hopewell, Princeton, Lawrence and Ewing; the second to be composed of the first, second, third, fourth and fifth wards of the city of Trenton; the third to be composed of the townships of West Windsor, East Windsor, Washington, Hamilton and the sixth ward of the city of Trenton.

(2) By the same act of March 15, 1861, the county of Middlesex is divided into three districts, as follows: the first to be composed of the city of New Brunswick; the second to be composed of the townships of Perth Amboy, Piscataway and Woodbridge; the third to be composed of the townships of East Brunswick, Monroe, North Brunswick, South Brunswick and South Amboy.

(3) By the same act of March 15, 1861, the county of Somerset is divided into two districts, as follows: the first to be composed of the townships of Bedminster, Bernard, Bridgewater and Warren; the second to be composed of the townships of Franklin, Hillsborough, Montgomery and Branchburg.

- Lopatcong, Phillipsburg, Harmony, Washington and Washington Borough; the second district to consist of the borough of Hackettstown, and the townships of Belvidere, Oxford, Mansfield, Independence, Hope, Frelinghuysen, Hardwick, Pahaquarry, Blairstown and Knowlton.
- Sussex. 195. SEC. 16. That the county of Sussex shall constitute one assembly district, to be composed of the several townships therein.
- Passaic. 196. SEC. 17. That the county of Passaic shall constitute three districts: the first district to be composed of the township of Aquaackanonck, the village of Passaic and the fourth, fifth and eighth wards of the city of Paterson; the second district to be composed of the second, sixth and seventh wards of the city of Paterson, and the township of Little Falls; the third district to be composed of the first and third wards of the city of Paterson, and the townships of Manchester, Wayne, Pompton and West Milford.
- Bergen. 197. SEC. 18. That the county of Bergen shall constitute two districts: the first district to be composed of the townships of Ridgefield, New Barbadoes, Midland, Union, Lodi and Saddle River; the second district to be composed of the townships of Englewood, Palisades, Harrington, Washington, Hohokus and Franklin.
- Morris. 198. SEC. 19. That the county of Morris shall constitute three districts: the first district to be composed of the townships of Chatham, Hanover, Montville and Morris; the second district to be composed of the townships of Boonton, Pequannock, Rockaway and Jefferson; the third district to be composed of the townships of Passaic, Mendham, Chester, Washington, Roxbury and Randolph.
- Essex. 199. SEC. 20. That the county of Essex shall constitute nine districts, to remain as now composed.(1)
- Hudson. 200. SEC. 21. That the county of Hudson shall constitute eight districts, to be composed as follows: the first district beginning at the centre of the Hudson river, where it is intersected by the centre line of Wayne street continued; thence westerly along the said centre line of Wayne street to the centre line of Railroad avenue; thence westerly along the centre line of Railroad avenue to the centre line of Newark avenue; thence along said centre line of Newark avenue westerly to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof, at its junction with the centre line of Woolsey street; thence southerly along the centre line of Woolsey street, and in continuation thereof to the southerly boundary of Jersey City; thence easterly along said southerly boundary to the centre of the Hudson river; thence northerly along the centre of the Hudson river to the place of beginning.
- Second district. The second district: beginning at the centre of the Hudson river, where it is intersected by the centre line of Wayne street continued; thence westerly along said centre line of Wayne street to the centre line of Railroad avenue; thence along the centre line of Railroad avenue westerly to the centre line of Prospect street; thence northerly along the centre line of Prospect street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue and along the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of Putnam street; thence southerly along the centre line of Putnam street to the centre line of the Morris canal; thence westerly along the centre line of the Morris canal to the centre line of Communipaw avenue; thence westerly along the centre of Communipaw avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of Mill road or Cornelison avenue; thence northerly along the centre line of Mill road or Cornelison avenue

(1) By the act of March 15, 1861, (P.L. 1861, p. 529), the county of Essex was divided into districts, as follows: the first to be composed of the townships of Bloomfield, Caldwell, Livingston and Milburn; the second to be composed of the first, second and third wards of the city of Orange; the third to be composed of Belleville township and the eighth ward of the city of Newark; the fourth to be composed of the first and fourth wards of the city of Newark; the fifth to be composed of the second and sixth wards of the city of Newark; the sixth to be composed of the thirteenth ward of the city of Newark and the townships of Clinton and South Orange; the seventh to be composed of the third and ninth wards of the city of Newark; the eighth to be composed of the fifth, tenth and twelfth wards of the city of Newark; the ninth to be composed of the seventh and eleventh wards of the city of Newark.

to the New Jersey railroad; thence northerly across the New Jersey railroad to the end of the centre line of Waldo avenue; thence northerly along the centre line of Waldo avenue to the centre line of Newark avenue; thence northwesterly along the centre line of Newark avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of St. Paul's avenue; thence easterly in continuation of the centre line of St. Paul's avenue to the centre line of Hoboken avenue; thence northeasterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence along said boundary line to the centre line of Hudson river; thence southerly along the centre line of Hudson river to the place of beginning.

The third district: beginning at the intersection of the centre lines of Newark avenue and Prospect street; thence northerly along the centre line of Prospect street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue, the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of Putnam street; thence southerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence northerly along the centre line of Barrow street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the place of beginning.

The fourth district: beginning at the point where the centre line of the New Jersey railroad intersects the westerly boundary of Jersey City, and running thence easterly along the said centre line of the New Jersey railroad to the centre line of Cottage Place; thence easterly along the centre line of Cottage Place to the centre line of Bergen avenue; thence northwesterly along the centre line of Bergen avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue and in continuation thereof to the centre line of Hoboken avenue; thence easterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence northerly, westerly and southerly along the several boundary lines of the city of Jersey City, to the place of beginning.

The fifth district: beginning at the point where the centre line of the New Jersey railroad intersects the westerly boundary line of Jersey City; thence easterly along the centre line of the New Jersey railroad to the centre line of Cottage Place; thence easterly along the centre line of Cottage Place to the centre line of Bergen avenue; thence northwesterly along the centre line of Bergen avenue to the centre line of St. Paul's avenue; then easterly along the centre line of St. Paul's avenue to the centre line of Palisade avenue; thence southerly along the centre line of Palisade avenue to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Waldo avenue; thence southerly along the centre line of Waldo avenue to the end thereof; thence southerly across the New Jersey railroad to the end of the centre line of Cornelison avenue or Mill road; thence southerly along the centre line of Cornelison avenue or Mill road to the centre line of Palisade avenue; thence southerly along the centre line of Palisade avenue to the centre line of Communipaw avenue; thence westerly along the centre line of Communipaw avenue to the centre line of the Newark and New York plank road; thence westerly along the centre line of said plank road to the westerly boundary line of Jersey City; thence northerly along said boundary line to the place of beginning.

The sixth district: beginning at the point where the centre of the Newark and New York plank road intersects the westerly boundary line of Jersey City, running thence easterly along the centre line of the said plank road to the centre line of Communipaw avenue; thence easterly along the centre line of Communipaw avenue to the centre line of the Morris canal; thence easterly along the centre line of the Morris canal to

the centre line of Putnam street; thence northerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof at its junction with the centre line of Woolsey street; thence southerly along the centre line of Woolsey street, and in continuation thereof, to the southerly boundary of Jersey City; thence westerly along said southerly boundary to the westerly boundary of said city; thence along the said westerly boundary to the place of beginning; and also so much of said county of Hudson as is comprised within the limits of the township of Greenville, and the city of Bayonne.

- Seventh district. The seventh district: being all that part of the county of Hudson which is comprised within the limits of the city of Hoboken.
- Eighth district. The eighth district: being all that part of the county of Hudson which is not comprised within the limits of any other of said assembly districts.

VII. Congressional districts.

A further supplement to the act entitled "An act to regulate elections," approved April sixteenth, anno domini one thousand eight hundred and forty-six.

P. L. 1872, p. 57.

Approved March 27, 1872.

- Congressional districts. 201. SEC. 1. That for the purpose of electing members of the house of representatives of the United States, this state shall be divided into seven districts, as follows, to wit:
- First district. I. The counties of Camden, Cape May, Cumberland, Gloucester and Salem shall constitute and be called the "first district;"
- Second district. II. The counties of Atlantic, Burlington, Mercer and Ocean shall constitute and be called the "second district;"
- Third district. III. The counties of Monmouth, Middlesex, and Union shall constitute and be called the "third district;"
- Fourth district. IV. The counties of Hunterdon, Somerset, Sussex, and Warren shall constitute and be called the "fourth district;"
- Fifth district. V. The counties of Bergen, Morris and Passaic shall constitute and be called the "fifth district;"
- Sixth district. VI. The county of Essex shall constitute and be called the "sixth district;"
- Seventh district. VII. The county of Hudson shall constitute and be called the "seventh district."
- Time of holding election. 202. SEC. 2. That each of said districts shall elect one person to represent this state in the house of representatives of the United States; which election shall be held on the Tuesday next after the first Monday in November next, and on the Tuesday next after the first Monday in November in each second year thereafter, until congress shall otherwise provide.

Errors.

- I. WHEN AND TO WHAT COURTS ERROR LIES.
1. No writ until final judgment.
 2. Must be brought within three years.
 3. Errors in supreme court.
 4. By whom writ sued out.
 5. Errors in circuit court.
 6. Errors in common pleas.
- II. HOW WRIT ISSUED AND RETURNED; ASSIGNMENT OF ERRORS, &c.
7. Writ when to be returned.
 8. Writs from court of errors how tested.
 9. When returnable.
 10. Errors to be assigned in thirty days.
 11. Joinder in thirty days.
 12. Plaintiff to notice case for argument.
- III. WRIT WHEN A SUPERSEDEAS.
13. How execution stayed in error, on judgment in debt.
 14. Recognizance must be acknowledged.
 15. Recognizance in dower and ejectment.
 16. How recognizance taken.
 17. Before whom recognizance in section fifteen may be taken.
 18. When recognizance to be filed.
 19. Additional bail in error may be required.
 20. Writ issued in bad faith will not stay. Bail not required in certain cases.