

# ELECTORAL VOTE OF

## PENNSYLVANIA IN 1804.

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There was recently brought to light in this city an official document nearly one hundred years old, which has both a local as well as a national interest. It is the report of the Electoral Board of the State of Pennsylvania covering the election for President in the year 1804. Lancaster being then the Capital of Pennsylvania, the electors met in this city, "in the Senate Chamber," in torn down in 1853, which stood on the the old Court House, built in 1787 and site of the monument now erected on the public square. The session of the Board lasted two days, December 4th and 5th, when the declaration of the vote was made in triplicate, and the copies disposed of according to the provisions of the Constitution of the United States, and all the other necessary accompanying documents prepared, signed and delivered.

That the copy present to-day is the one which was made and delivered to Thomas McKean Thompson, the Secretary of the Commonwealth of Pennsylvania, to be filed in his office, is clearly shown by his receipt and signature attached to the document.

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The complete document is as follows:

"Tuesday December 4th 1804. The Electors of President and Vice President of the United States met in the Senate Chamber, at the Seat of Government. Present, Charles Thompson, Matthew Lawler, Robert McMullin, William Brooke, Thomas Long, Francis Swaine, Henry Speering, James Boyd, Peter Frailey, Casper Shaffner, Jr., John Bowman, William Brown, George

Smith, Jacob Hostetter, Jacob Bonnett, James Montgomery, John Minor, John Hamilton and Nathaniel Irish.

“Agreed unanimously, That Charles Thompson be the President of the meeting. Whereupon Charles Thompson was accordingly conducted to the chair.

“He informed the meeting that, according to the act in that case made and provided, he had given to the Governor due notice, that he was at the Seat of Government and ready to perform the duties of an Elector. And

“The Electors present informed the meeting, that they had, each of them, given like notice to the Governor; that they were at the seat of Government and ready to perform the duties of Electors.

“Mr. Boyd informed the meeting, that he had been well assured that the state of the health of William Montgomery did not admit of his attendance, at this time at the seat of Government.

“On motion, Agreed, unanimously that Timothy Matlack be appointed Secretary of this meeting.

“On motion, The act of Congress entitled, ‘An act relative to the election of a President and Vice President of the United States and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President,’ was read, and likewise the act of this commonwealth, entitled ‘An act to direct the manner, time, and places of holding elections for Electors of President and Vice President of the United States.’ And also, the third section of Article the Second of the constitution of the United States.

“On motion, Agreed, That a committee of three, with the Secretary, be appointed to draw and prepare the forms required on the present occasion, and Ordered, That Mr. Frailey, Mr. Shaffner, and Mr. Boyd be a committee for the said purpose.

“On motion, Agreed, That this meeting do now adjourn, to meet again in the Senate Chamber, to-morrow morning at 11 o'clock.

“Adjourned accordingly.

“Wednesday December 5th 1804. The Electors met according to adjournment, Present, Charles Thompson, Matthew Lawler, Robert McMullin, William Brooke, Thomas Long, Francis Swaine, Henry Speering, James Boyd, Peter Frailey, Casper Shaffner, Jr., John Bowman, William Brown, George Smith, Jacob Hostetter, Jacob Bonnett, James Montgomery, John Minor, John Hamilton and Nathaniel Irish.

“Thomas McKean Thompson, Secretary of the Commonwealth, presented a message from the Governor, and the same was read as follows—viz: To the Electors of President and Vice President of the United States for the State of Pennsylvania.

“Lancaster, December 5th, 1804.

“Gentlemen,

“The Secretary will deliver to you herewith, in pursuance of the act of Congress, in such case made and provided, three lists of the names of the Electors of President and Vice President of the United States, and a transcript of the notification made to me by the Secretary of the United States. I have the honor to be with great respect, your obedient servant,

“THO. McKEAN.

“The Secretary having delivered the documents mentioned in the message, the same were read as follows, viz:

“Pennsylvania, SS.

“Thos. McKean.

“In the name and by the authority of the Commonwealth of Pennsylvania, Thomas McKean, Governor of the said Commonwealth; To all to whom these presents shall come, certifies & makes known, That the following named persons were duly elected and returned to be Electors of a President

and Vice President of the United States, for the term of four years next ensuing the fourth day of March in the year of our Lord one thousand eight hundred and five, agreeably to the Constitution and laws of the United States and of Pennsylvania: That is to say: Charles Thompson, William Montgomery, Matthew Lawler, Robert McMullin, William Brooke, Thomas Long, Francis Swaine, Henry Speering, James Boyd, Peter Frailey, Jacob Hostetter, Jacob Bonnett, James Montgomery, John Minor, John Hamilton and Nathaniel Irish.

“Given under my hand and the Great Seal of the State, at Lancaster, this fifth day of December in the year of our Lord one thousand eight hundred and four.

“By the Governor,

“T. Mc. THOMPSON,

“Secretary.

“By authority:

“By James Madison, Secretary of State, of the United States.

“Public notice is hereby given, in pursuance of the act of Congress, passed the 26th of March last, entitled ‘An act supplementary to the act entitled “An act relative to the election of President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President:”’ That the amendment proposed during the last session of Congress to the Constitution of the United States, has been ratified by the Legislatures of three-fourths of the several States, to wit, by those of Vermont, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, Ohio, Kentucky, Tennessee, North Carolina, South Carolina and Georgia, and has thereby become valid as part of the Constitution of the United States.

“Given under my hand, at the city

of Washington, this twenty-fifth day of September, 1804.

“JAMES MADISON.

“The Secretary of the Commonwealth presented triplicates of a certificate, which was read as follows, viz:

“Pennsylvania, SS.

“Thos. McKean.

“In the name and by the authority of the Commonwealth of Pennsylvania, Thomas McKean, Governor of the said Commonwealth, To all to whom these presents shall come certifies and makes known, That it has this day been certified to him, by the President of the joint meeting of the members of the Senate and members of the House of Representatives on Wednesday, the fifth day of December, A. D. 1804, Robert Montgomery, Esquire, was duly chosen an Elector of President and Vice President of the United States, on the part of the State, in place of William Montgomery, Esquire, one of the Electors chosen by the people, but who did not attend the seat of government on the day next preceding the day of the meeting of the said Electors as is prescribed by the act of the Commonwealth, dated the 2nd day of February, 1802, entitled ‘An act to direct the manner, time and place of holding elections for Electors of President and Vice President of the United States.’

“Given under my hand and the Great Seal of the State, at Lancaster, this fifth day of December, in the year of our Lord one thousand eight hundred and four.

“By the Governor:

“T. Mc. THOMPSON,

“Secretary.

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“The hour appointed by the law of this Commonwealth, for the Electors, on this day, to perform the duties enjoined upon them by the constitution of the United States, being now come, and

Robert Montgomery having taken his seat, on motion agreed that Mr. Shaffner & Mr. Boyd be the Tellers. And thereupon, The Electors proceeded to choose, by ballot, a President and Vice President of the United States, and the votes of all the Electors being now taken, the votes for President were opened and severally read, by the President of the meeting; and on counting the votes, and the Tellers having compared their tallies, it appeared, that Thomas Jefferson had twenty votes. And the votes for Vice President being in like manner opened and read by the President, and the Tellers having compared their Tallies, it appeared, that George Clinton had twenty votes. Whereupon the President of this meeting declared, That Thomas Jefferson had twenty votes for President of the United States; and that George Clinton had twenty votes for Vice President of the United States.

“The Committee appointed, with the Secretary, to draw and prepare the form required on the present occasion, made report.

“The forms of three certificates of all the votes given by the Electors for President having been read and agreed to, and the blanks therein filled up with the name of Thomas Jefferson, and the number of votes for him given, being that of the whole number of Electors, was again read and agreed to, as follows; to wit, We, the Electors of President and Vice President of the United States, duly elected and appointed on the part of the State of Pennsylvania for that purpose, by the people thereof, having met at the State house in the borough of Lancaster, the seat of government of the said State, this fifth day of December, in the year of our Lord one thousand eight hundred and four; in conformity to the provisions contained in the constitution and laws of the United States, and of the State of Pennsylvania proceeded to

vote, by ballot, for a President of the United States, on the part of the State of Pennsylvania, whereupon, it appeared that Thomas Jefferson had twenty votes. In testimony whereof, We, the said Electors, have hereunto set our hands and affixed our seals the day and year aforesaid.

“Like forms of three certificates of all the votes given by the Electors for Vice President of the United States, having been read and agreed to, and the name of George Clinton and the number of votes for him given, being the whole number of the Electors having been inserted in the several blanks thereof, the same were again read and agreed to. And thereupon, The said certificates, respectively, were signed and sealed by each of the Electors.

“The form of a certificate that the lists of all the votes of this State for President and Vice President are contained within the enclosure whereon the same is to be written, having been read and agreed to, is as follows, to wit: We, the Electors, duly elected on the part of the State of Pennsylvania, to vote for a President and Vice President of the United States, do certify that lists of all the votes of the said State given for President, and of all the votes given for Vice President are contained herein.

“On motion, the Electors proceeded to vote by ballot, for a person to take charge of and to deliver to the President of the Senate at the seat of government, before the first Wednesday in January next, one of the certificates and other enclosures, directed to the said President (Francis Swaine and Robert McMullin having been put in nomination for that trust), and the votes having been taken, and opened and read, by the President, it appeared, That Robert McMullin had twelve votes, and that Francis Swaine had six votes. Whereupon it was declared by the President, that Robert McMullin

was chosen and duly appointed to the said trust.

“A certificate of the aforesaid appointment, having been read, was agreed to, and the same was signed by each of the Electors and delivered to the said Robert McMullin.

“On motion, Agreed, That Casper Shaffner, Jr., be appointed to ‘forthwith forward, by the Post Office, to the President of the Senate, at the seat of Government,’ one of the certificates of the election and other enclosures: And that Matthew Lawler, Esq., be appointed to deliver to the district judge the other certificate thereof.

“The certificate of all the votes given for President, the certificate of all the votes given for Vice President, with the certificate of the names of the Electors chosen by the people, and the certificate of the names of the Elector chosen by the joint meeting of the members of the Senate and the members of the House of Representatives, each under the Great Seal of the State annexed to the first mentioned certificates, were together sealed up, and the endorsement directed by the Constitution of the United States, being thereon written, and signed by each of the Electors, the same was directed to ‘The President of the Senate of the United States, City of Washington, by Robert McMullin, Esquire, and by the President of the meeting delivered to the said Robert McMullin, to be, by him, delivered to the President of the United States, at the Seat of Government, before the first day of January, next ensuing.’ And one other of each like certificates were together sealed up and like endorsement thereon written and signed, as aforesaid, and directed to ‘The President of the Senate of the United States, City of Washington, by the Post-Office,’ was, by the President of the meeting, delivered to Casper Shaffner, Jr., to be, by him, forthwith



forwarded, by the Post-Office, to the President of the Senate of the United States, at the seat of government. And one other of each like certificates were together sealed up, and like endorsement thereon written and signed as aforesaid, and directed to 'The Honorable Richard Peters, Esquire, District Judge, By Matthew Lawler, Esquire,' was delivered to the said Matthew Lawler, to be, by him, delivered to the said District Judge.

"Orders on the State Treasurer were drawn in favor of the Electors respectively, for the amount of 'the daily pay' to them severally due 'when travelling to, remaining at, and returning from the place of meeting;' to wit:

"In favor of

"Matthew Lawler for twenty-four dollars.

"Robert McMullin for twenty-seven dollars.

"William Brooke for twenty-four dollars.

"Thomas Long for thirty-three dollars.

"Francis Swaine for thirty dollars.

"Henry Speering for thirty-three dollars.

"James Boyd for fifteen dollars.

"Peter Frailey for eighteen dollars.

"Casper Shaffner, Jr., for six dollars.

"John Bowman for twenty-four dollars.

"William Brown for thirty-six dollars.

"George Smith for forty-five dollars.

"Jacob Hostetter for eighteen dollars.

"Jacob Bonnett for fifty-one dollars.

"James Montgomery for seventy-five dollars.

"John Minor for seventy-eight dollars.

"John Hamilton for seventy-eight dollars.

"Nathaniel Irish for eighty-four dollars.

“Robert Montgomery for eighteen dollars.

“On motion, Agreed, That Mr. Shaffner and Mr. Bonnett be a committee to inspect the minutes of this meeting, and Ordered, That, after the inspection of the committee, the Secretary do deposit the minutes, together with such documents as may be connected therewith, in the office of the Secretary of the Commonwealth.

“On motion, resolved unanimously, That the thanks of this meeting be presented to ye President, for his able and upright conduct in the chair, and the same was presented to him accordingly.

“On motion, resolved unanimously. That the thanks of this meeting be presented to the Secretary for the services rendered by him during this meeting.

“The Electors having performed the duty required of them by the constitution and the laws of the United States, and by the laws of Pennsylvania, They retired.

“T. MATLACK,  
“Secretary.

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“According to the direction of the act of Congress, in such case made and provided, the certificates of the election of President and Vice President of the United States committed to me, were by me delivered at the Post Office, in the borough of Lancaster, on Monday, the fifth day of December, 1804, where the same was marked with the postmark of that day, and was in my presence put into the mail.

“CASPER SHAFFNER, JR.

“Note. With the foregoing proceedings, there are deposited in the office of the Secretary of the Commonwealth, the tickets given by the Electors, and also, the Tally lists; and likewise the original receipts given by Mr. McMullin and Mr. Lawler, of which the following are copies, to wit:

“Received the fifth day of December, 1804, of the Electors of a President and Vice President of the United States, duly elected and appointed on the part of the State of Pennsylvania, for that purpose, by the people thereof, Lists of all the votes of the said State, given for President, and of all the votes given for Vice President, to be, by me, delivered to the President of the Senate of the United States, at the seat of Government, before the first Wednesday in January next. Witness my hand, at Lancaster, the day and year first above written.

“ROBERT McMULLIN.

“Received this fifth day of December, 1804, of the Electors of a President of the United States, duly elected and appointed on the part of the State of Pennsylvania, for that purpose, by the people thereof, Lists of all the votes given for President and of all the votes given for Vice President, to be, by me, forthwith delivered to the Honorable Richard Peters, Esquire, District Judge, residing within the State of Pennsylvania. Witness my hand, at Lancaster, the day and year aforesaid.

“MATTHEW LAWLER.

“To Thomas McKean Thompson, Secretary of the Commonwealth of Pennsylvania:

“Sir, Pursuant to the directions of the Electors of President and Vice President of the United States, I have the honor to present to you, to be deposited in your office, the minutes of their proceedings; the same having been according to their orders, inspected by their committee. I have the honor to be, with much respect, Your most obedient servant.

T. MATLACK,

“Secretary.

“Received of Timothy Matlack, Secretary of the meeting of Electors of President and Vice President of the United States, The minutes of the proceedings of that meeting, together with the

tickets and tally lists, Lancaster, Decr. 10, 1804. And also two receipts—the one signed by Robert McMullin and the other by Matthew Lawler. Sec'ys. Office, at Lancaster.

"T. Mc. THOMPSON,  
"Secretary."

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The theory of our Republican form of Government is that, as the people are the source of all power and authority, to them belongs the selection of those who are to be placed in the direction and control of public affairs. At the same time full recognition is given to the idea that while this authority and power is lodged in the people, the latter must exercise them primarily in their collective capacity. To simplify things and bring them into more manageable form, they have of their own free will selected, from time to time, certain persons from among their own number, into whose hands they place, for stated periods, the management of their political affairs, but under such restrictions and limited powers as will prevent abuses in the exercise thereof, and as will also enable them to re-assume that delegated authority in case its exercise has been unsatisfactory, dangerous or no longer meets with their approval. In brief, having the right of suffrage, they exercise it in the selection of their temporary rulers and other officials through the instrumentality of the ballot.

Hence we have our elections at stated periods, when we vote for Governors, Judges and numerous minor officials, the one receiving the largest number of ballots being declared elected—unless some shrewd political adversary, manager or clique manages to have him counted out, as sometimes happens. But, strange to say, that while we pursue this method of voting directly and by name for most of the

men into whose hands we place our State and municipal affairs, we fail to pursue that plan when it comes to the selection of a man for the most exalted position in the nation. You hear men say they voted or intended to vote for a certain man for President, but they never do. The names of the candidates for the Presidency of the United States never appear on the voted ballots. Instead, they vote for certain other men, whose names are thereon, and to these latter they delegate the right of actually electing the President of the Republic.

To the average person the reason for this anomaly is not clear, because there does not appear to be a sufficient cause for this departure from the ordinary way of selecting public officials. By this method it is actually possible that the candidate who is clearly the choice of the largest number of voters may be defeated by one who has fewer. Few questions came up before the Constitutional Convention, which met in 1787 and framed that splendid piece of political wisdom, the Constitution of the United States, that required more time and consideration for their satisfactory adjustment. It was called up again and again, was discussed with great earnestness and ability, and then put aside in the hope that further thought and study might evolve a satisfactory plan. All the reasons for adopting the plan finally agreed upon may not be known to us to-day, but the chief one, and it sounds strangely in our ears at this time, was that there were men in that Convention, and they were among the ablest (Adams and Hamilton were among them), who had a profound distrust of the common people—of the uneducated masses. They were willing the individual States should intrust to their people the privilege of voting direct for State officials, but the exalted office of Chief Magis-

trate of the new nation might not be dealt with in that way. The Convention, therefore, endeavored to find another way, even though it should be a roundabout one, of selecting the President. There were other reasons, no doubt, but the fact remains that few questions more perplexed those eminent men who framed our fundamental law, intended to endure for ages, than this one of how the Chief Magistrate of the nation should be voted for and elected.

When this question came up in the Constitutional Convention, almost every one of the twelve States represented had a plan of its own, and there was a wide divergence between them; and there were, besides, plans proposed by individual members. The scheme of Virginia had precedence in the matter of time, and was first considered. It held that the executive official of the proposed Federation should be elected by the National Legislature, or Congress. The question came up for debate on June 2, 1787. Mr. Wilson, of Pennsylvania, offered a resolution for the election of the Executive by electors, who should be chosen by the qualified voters in the districts into which the States were divided; and that the electors so chosen should then meet to make a final election, they being themselves ineligible to the office. Only two States supported this proposition, Pennsylvania and Maryland, while eight States voted for the Virginia plan.

In the further debate which followed, Mr. Wilson strongly urged that some plan of election by the people was desirable, just as Governors of States were elected. Mr. Gerry, of Massachusetts, proposed that the selection be made by the Governors of the several States. This plan was rejected, not a single State voting for it. The question was then laid over for the time being.

On July 17 its discussion was resumed by the Convention, when Mr. Morris took the ground that if the Executive was elected by the National Legislature he would be the mere creature of that body. His election would be "the work of intrigue, of cabal, and of faction; it would be like the election of a Pope by a conclave of cardinals; real merit would rarely be the title to the appointment." Roger Sherman, of Connecticut, thought "the sense of the nation would be better expressed by the Legislature than by the people at large, who would be apt to vote for a man from their own State." Pinckney, of South Carolina; Mason, of Virginia, and Williamson, of North Carolina, believed it would be as wise "to refer a trial of colors to a blind man as this election to the people." The plan of Mr. Morris was defeated, nine States voting against the Pennsylvanian's plan. Then Mr. Martin, of Maryland, moved the election be made by electors, chosen by the State Legislatures. Only two States were in favor of that plan. At this point the question was again put aside for further deliberation and discussion.

It was resumed on July 19. Mr. Patterson, of New Jersey, favored the plan of electors to be chosen by the State. Mr. Madison, of Virginia, thought there was as much, if not more, reason "why the Executive should be independent of the National Legislature than the Judiciary should be."

Mr. Gerry favored electors chosen by the State Executives. By that plan "the people of the States would then choose the first branch, the Legislatures of the States the second branch of the National Legislature, and the Executives of the States the National Executive."

A motion to reconsider the entire question and begin de novo was then made and unanimously carried. Mr. Ellsworth, of Connecticut, then moved

the election should be made by electors to be appointed by the State Legislatures. The motion to appoint through electors carried, six States being in favor and three against, with Massachusetts divided. The clause to appoint them by State Legislatures received eight votes, with Virginia and South Carolina against. A motion made by Mr. Gerry to allot from one to three electors to the States, according to their importance, was adopted by a vote of six States to four, but later this ratio was changed.

A reconsideration of the question of providing for electors was again had, and again there was a protracted debate. It appeared to disintegrate rather than consolidate the opinions of the members. Mr. Williamson went back to the plan of their election by the National Legislature, coupled with ineligibility for a second term. He said, "It was pretty certain that we should at some time or other have a king; but he would omit no precaution to postpone the event as long as possible." Mr. Wilson suggested his election by fifteen electors, chosen by lot from members of the National Legislature, to retire immediately for the election, to avoid intrigue, and not to separate until an election had been made. At the same time, he believed an election by the direct vote of the people was preferable. Mr. Madison laughed at the election of a President by "a lottery." He further observed "there were objections to every mode that had been, or perhaps could be, proposed, and came to the conclusion that the only safe alternatives were an election by the people or by electors chosen by the people." Dickinson argued that the election by the people was "the best and purest source."

Wearied by the prolonged debate, and seemingly despairing of arriving at any satisfactory conclusion by the



present method, it was finally agreed to refer the question to the Committee on Detail. That committee reported in due time. It recommended the Executive should have the title of "the President of the United States." The old question of Presidential electors was debated anew, and failed through a tie vote, four to four, with two divided and one absent. It was again referred to a committee, this time composed of eleven members, which reported a plan that tended to consolidate the conflicting opinions. Briefly stated, it was as follows:

"That the method of choice should be through electors specially chosen for that purpose in such a manner as the State Legislatures might direct, as many in each State as there were federal Senators and Representatives; these electors to meet in their respective States, and vote by ballot for two persons, one of them at least not a citizen of the same State with themselves. The candidate having the greatest number of votes was to be President; the one having the next highest number to be Vice President; but a majority of all the votes given was required in both cases. If there were two having the same majority, the House of Representatives, voting by States, was to determine who should be President. If no one had a majority, the House of Representatives, voting also by States, was to choose a President from among the five highest candidates; the one not chosen President who had the highest number of votes to be Vice President, or, in the case of a tie, the Senate to choose between the two. In case the election devolved on Congress, two-thirds of the States must be present to constitute a quorum." (See Hildreth's Hist. of the United States. First Series: Vol. III., pp. 520-521).

In 1803, the XII. amendment to the Constitution was passed. This amend-

ment deals exclusively with the manner in which the Presidential Electors shall execute the duties of their office. It superseded that clause adopted by the Constitutional Convention in 1787 and reads as follows:

“The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom at least shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person to be voted for as President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest number not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March, next following, then the Vice President shall act as

President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States."

The election of 1804, the one with which the returns before us deal, was the first held under the new amendment to the Constitution, and the fifth since the adoption of the latter. We consequently find, in accordance with its provisions, candidates for the Vice Presidency brought forward for the first time. Thomas Jefferson and George Clinton were the candidates of the Republican party for President and Vice President, while Chas. C. Pinckney and Rufus King were the Federalist candidates. Jefferson and Clinton each received 162 of the electoral votes, while Pinckney and King got only 14. Seventeen States voted at this election.

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