

2. If any of said judges shall die, resign or remove out of the district or become otherwise, in the opinion of the county commissioners, disqualified to act as judge, the county commissioners shall, at any meeting thereafter, appoint a person as judge in his place

Art 35, s 2
1805, c 97, s 6
1860, c 10, s 2
Vacancies,
how filled

3. The clerk of the county commissioners shall record every appointment so made, and make out a warrant therefor, and shall within five days thereafter deliver every such warrant to the sheriff of the county, under the penalty of fifty dollars.

Id s 3
1805, c 97, s 6,
1860, c 10, s 3
When and by
whom warrants
issued and del-
ivered

4. The sheriff, within ten days after receiving any such warrant, shall deliver the same to the person appointed or leave the same at his last place of abode, under the penalty of fifty dollars.

Id s 4
1805, c 97, s 6
Sheriff to del-
iver warrant to
person ap-
pointed

5. Any judge so appointed who shall not attend at the time appointed for holding any election in his district shall forfeit fifty dollars for every such neglect, unless prevented by sickness or other sufficient cause, in the opinion of the court and jury before whom he shall be tried.

Id s 5
1805, c 97, s 7,
1860, c 10, s 3
Penalty for
non-attendance
of judge

6. At any election, state, federal or municipal, to be hereafter held in this State, if none of the judges of election appointed according to law, shall attend at the place of election for the space of one hour after the time prescribed by law for opening the election, it shall be lawful for the justices of the peace for such county or city, then present at the place of election, or a majority of them, or for one justice of the peace, in the event of but one being present, to act as judges or judge of election, or, if no justice of the peace be present, it shall be lawful for the voters then present, or a majority of them, to choose by ballot three persons being voters, to be judges of said election; and the said justices or justice of the peace, or persons chosen by ballot as aforesaid to be judges of election, and who shall act in that capacity for that election, shall be vested with the same powers and authority as if they had been appointed by the county commissioners or other lawfully authorized power

1867, c 374
Proceeding
where judges do
not attend

7. The said judges shall be conservators of the peace during the continuance of the election and until the ballots shall be counted, and the necessary certificates required by this article shall be made out by the judges and the clerks, and shall be vested with the power and authority to commit offenders for any breach of the peace in the like manner as any justice of the peace.

Art 35, s 7
1805, c 97 s 6
Judges to be
conservators of
the peace

8. The said judges shall appoint two clerks, being above the age of twenty-one years, to enter the names of voters, separately and plainly, on the books provided for that purpose, and if any clerk so appointed shall neglect or refuse to act, he shall forfeit and pay the sum of ten dollars.

Id s 8
1805, c 97, s 10
Appointment of
clerks.

9. Every judge of election, at every election to be hereafter held in pursuance of law, before he proceeds to take or receive any vote, shall take the following oath or affirmation: "I, A. B. do swear (or affirm) that I will permit all persons to vote who shall offer to vote at the election now to be held for — county, or — city, whose names shall appear on the registry or list of voters furnished to me

1867, c 374
Oath of judges
of election