

meeting as a board, designate one of the said persons so voted for, who has received a tie vote, to be commissioner, and the said commissioner shall hold his office for the same time as he would had he received the highest number of votes.

SEC. 8. *And be it enacted,* That if, at any time, for any reason, no judges of election shall be appointed under this act, or the said judges, upon the morning of the election, shall refuse to act as such, the voters of the said town shall, within an hour after the time for opening the polls has arrived, upon the morning of the day of election, as many of them as are assembled at the place of voting, select two of their number, voters of said town, to act as judges of election, and such election shall be as valid, to enable them to hold said election, as if they had been originally appointed; provided that, before acting as such judges, they shall each take the oath hereinbefore prescribed.

Voters may appoint in case of failure

SEC. 9. *And be it enacted,* That each commissioner, before he acts as such, shall make oath before a justice of the peace in and for Worcester county, that he will diligently and faithfully, to the best of his skill and judgment, perform the duties of a commissioner of said town without favor, partiality or prejudice, and a certificate of such qualification shall be made by the said justice of the peace, and shall be filed and recorded among the records of proceedings of said commissioners.

Oath to be administered.

SEC. 10. *And be it enacted,* That the said commissioners shall meet once in each month, and more often if they think proper, and a majority shall constitute a board for the transaction of business; they shall, at their first meeting, or as soon thereafter as may be possible, elect one of their number president, who shall preside at the meetings of the board, when present give directions to the clerk and bailiff, by the advice of the commissioners, and superintend such improvements of the town as may be ordered by the board.

Elect president.

SEC. 11. *And be it enacted,* That the said commissioners may appoint a clerk and prescribe his duties and salary; the said clerk shall keep a book

Appoint clerk.