

39. It shall be the duty of the town commissioners of said town at the first election to be held under this act, as provided in the preceding section, and at every election thereafter, to appoint three judges of election for each of said wards, one of whom, at least, shall be of the opposite political party, and shall also designate the polling places in said wards. The names of the judges of election and the polling places designated as aforesaid shall be published by said town commissioners in one or more of the newspapers printed in said town for at least ten days next preceding the day of election. If said town commissioners shall fail or refuse to appoint said judges and designate said polling places as aforesaid, the clerk of the Circuit Court for Dorchester county shall appoint said judges and designate said polling places, and give notice of election as aforesaid, in which event, if there should not be sufficient time to give said ten days' notice before the day of election as aforesaid, such notice shall be posted in five conspicuous places in each of said wards, at least five days before the election.

Appoint
Judges.

Give notice.

40. Each of said persons so, as aforesaid, appointed judge of election, shall, before he proceeds to act as such judge, make oath before a justice of the peace for the said county, or one of the commissioners of said town, that he will faithfully and impartially discharge the duties of his office; and any judge failing to qualify and act shall be subject to a penalty of fifty dollars, and upon failure of any judge to attend, the remaining judge or judges shall hold the election, and if none of the said judges attend the citizens of the ward present shall select three judges.

Oath.

41. The said judges of election for each of said wards shall, on the day of election, and immediately after the polls are closed, count the ballots in their respective wards, and certify the result under oath, to be administered as in the preceding section, to the said town commissioners, together with the ballots cast, and the persons receiving the highest number of votes in each of said wards respectively shall be declared elected commissioners for said wards, and the said certificate shall be recorded and the ballots preserved for at least two years.

Count ballots.

42. If any vacancy shall happen in the office of commissioner by death, resignation, removal or