

fied for such service by reason of ill health, infirmity or old age, or unless it shall appear that he was excused by the said Board of Election Supervisors or was prevented from attending and serving as such judge by some unavoidable cause. It shall be the duty of the supervisors to notify the State's Attorney of the said county of such failure, refusal or neglect, and to require the State's Attorney to institute proceedings for such penalty at the next term of court. The State's Attorney shall receive a fee of twenty-five dollars for every penalty recovered by him, to be paid from the sum actually recovered, whether the proceeding for the recovery of such penalty shall be instituted of his own motion or at the instance of said supervisors. It shall be the duty of the supervisors to hold such meeting or meetings as will be necessary to carry out the provisions of this section. The said judges before entering upon the discharge of their duties shall take and subscribe before the Mayor of said town or before a justice of the peace of said State in and for said county an oath or affirmation to act fairly and impartially as judges of such election, and in case of the failure of any of said persons so appointed to appear and qualify the judge or judges so appearing shall select a judge or judges to fill such vacancy, which such judge or judges shall qualify as above. They shall appoint one of their number to act as clerk, and shall keep the polls open from two o'clock P. M. to six o'clock P. M., and shall within two days after the election return under their hands the number of votes cast and for whom cast, with a copy of their oath, to the clerk of the Circuit Court for Worcester county, who shall file and record the same at once, and issue certificates of election to the person who shall appear by the said returns to have been elected to their respective offices, and said certificate shall be recorded among the proceedings of the Council. If any clerk of election or any person performing the duties of such clerk, shall wilfully keep a false poll list or shall knowingly insert in his poll list any false statement, he shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years. Every judge of such election who shall wilfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at such election, or shall wilfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, without exacting from such person an oath or other proof of qualification, or shall wilfully omit to challenge any person offering to vote whom he knows or suspects to be not entitled to vote, and who has