

4. AND BE IT ENACTED, That the two magistrates of Washington county, first named in the commission of magistrates residing in the said town, shall hold the election at some place in the said town for the said five commissioners, and shall be judges of the said election, and the qualifications of those who shall offer to vote at the same; and all votes taken at the said election shall be by ballot, but if any one of the justices of the peace, so designated to hold the election, be at the time thereof sick, absent from town, or by any other means rendered unable to attend the election, then the powers by this act given, and the duties hereby required of such justice of the peace, so unable to attend, shall devolve upon, and be performed by any other justice of the peace for the said county, resident in the said town; but if it so happen at any time that a sufficient number of justices of the peace of the said county, residents in the said town, cannot be had to hold the said election, then the same may be held by any other justices of the peace for the said county, who shall have all the powers, and perform all the duties by this law given to, and required of the judges of the said election; that the said judges of the election shall, at each successive election, appoint one or two clerks in their discretion, to register the votes taken at the same; that the said election shall in each year be opened and commenced at ten o'clock in the morning, and be kept open and continued without adjournment until four o'clock in the afternoon of the same day, when the same shall be closed and cease, and the five persons qualified as this law directs, who shall have the greatest number of legal votes, shall be the commissioners for the said town for the ensuing year, and shall be so declared by the judges of the said election; that the judges of the said election shall count the votes, and declare the result of the election, on the day on which the said votes are taken, and shall make a return of the said election, and of the names of the five commissioners so elected, to the clerk of the county of Washington, to be by him entered of record among the records of the said county, for which the said clerk shall receive, from the commissioners of the said town, the same fees as by law he is entitled to receive for the performance of other duties in his said office; and the judges of the said election, and the clerk or clerks by them appointed to register the votes at the said election, shall each have for holding the said election the sum of two dollars, to be paid them respectively by the commissioners of the said town.

5. AND BE IT ENACTED, That each judge of the said election, so often as he is called upon to act as such, shall, before he proceeds to act, take the following oath or affirmation, (as the case may be;) "I, A. B. do swear or affirm, that I will permit all persons to vote who shall offer to poll at the election now to be held for commissioners of Hager's Town, who in my judgment shall, ac-

DEC SESS.

1813.

Magistrates shall hold the election.

Oath of the judges of election. Oath of the clerk.