

OHAP. 123. attached, and said certificate shall be recorded among the proceedings of the commissioners; if at any election of commissioners it shall appear from the returns of the judges of said elections that any two or more persons voted for as commissioners have received the same number of votes, so that there is no choice for the entire number required, but a vacancy in a seat; if there should be as many as two elected, said two having qualified as commissioners upon entering upon the duties of their offices shall immediately proclaim a new election to supply such vacancy; if it shall appear that two of the persons voted for have not been returned as elected, the commissioners then in office shall forthwith proclaim a new election to supply the vacancy occasioned by the failure to elect. Every judge of election, before he proceeds to take or receive any vote, shall take an oath that he will permit every qualified voter, and none other, to vote at the election; every clerk, before he enters any vote on the polls, shall take an oath that he will well and faithfully, without favor, affection or partiality, execute the office of clerk of election; the several judges may administer the oath to each other or take the same before a justice of the peace, resident of the town, and the clerks may be sworn by one of the justices of the peace, resident of the town, or have the oath administered by one of the judges of the election, and a certificate of every such oath, signed by the person administering the same, respectively, shall be annexed to the tally sheets; and the Commissioners of Upper Marlborough are vested with power and authority to pass all ordinances necessary and proper for the making of election returns, and failure of the judges of election to attend at the time appointed for holding any election on and the manner and time destroying said returns, but any qualified voter in said town feeling himself aggrieved by any decision of said town commissioners or the judges of election in regard to any town election, may appeal therefrom to the Circuit Court of Prince George's County, which Court shall hear and determine such an appeal, and decide who shall pay the costs thereof; if during the term for which they may be elected any of the said commissioners shall die, resign or remove from the town or be otherwise disqualified, a special election to fill the vacancy on ten days' notice thereof being given by the president of the commissioners shall be held, at which all persons qualified as specified in section 313 shall be entitled to vote.

New election.

Oath taken.

Vested with power.

Appeal may be taken.

316. The said Frederick Sasser, John H. Traband and Solomon M. Sweeney, hereinbefore appointed commissioners of the said town, shall meet within two weeks from the passage of this Act and take the oath of office described above before