

care and regulation of commissioners, to be vested with sufficient powers for that purpose, therefore, *Be it further enacted*, That five judicious and discreet persons, three of whom shall be proprietors of lots in said town, provided any one of the three shall be a resident thereof, and that at least a majority of said commissioners shall reside therein, be elected by ballot, on the first Monday of September next, at the court house in said town, by the free white male proprietors and householders thereof, being above the age of twenty-one years, and having resided, if a proprietor, within the county, and if a householder, within town, for the space of one year next preceding the election, and the five persons having the greatest number of votes at the close of the election, shall be declared to be duly elected the commissioners of the said town, and shall have and exercise the several powers and authority delegated to them by this act.

CHAP. 159.
Commissioners to be elected

11. *And be it enacted*, That the commissioners so as aforesaid chosen, shall assemble on the third Monday in September next ensuing their election, at the court-house in Port Tobacco, and arrange and number themselves into five classes by lot, and the office of the commissioner of the first class shall determine at the expiration of one year after his election, the office of the commissioner of the second class at the expiration of two years, the office of the commissioner of the third class at the expiration of three years, the office of the commissioner of the fourth class at the expiration of four years, and the office of the commissioner of the fifth class at the expiration of five years; and the vacancy then occasioned by the determination of their offices, shall be supplied by an election of a judicious and discreet person, being a proprietor as aforesaid, to be made at the court-house in the said town by those qualified to vote as aforesaid, on the first Monday of September in every year, and the person so elected shall remain in office for the term of five years, and the succession of said commissioners be so continued as that one commissioner shall be chosen annually.

To arrange themselves into five classes, &c.

12. *And be it enacted*, That any justice of the peace for the county aforesaid, shall on the first instance be the judge of the said election, and shall return his certificate thereof to the said commissioners, on the day first appointed for their meeting, and the same shall be filed and recorded among their proceedings; and at every subsequent election the commissioners of the town, or a major part of them, shall be judges of such election, and the proceedings thereof shall be recorded under their direction; and every justice of the peace, or commissioner, before he shall proceed to open an election, shall take an oath or affirmation that he will faithfully and impartially permit every person to vote at such election who shall in his judgment be qualified to vote for a commissioner of the said town, according to the directions of this act, and that he will not suffer any person to vote at such election who shall not in his judgment be qualified to vote as aforesaid.

Any justice may be judge of the election

13. *And be it enacted*, That if any vacancy shall happen in the office of one or more of the said commissioners by death, resignation, removal, or otherwise, it shall be lawful for the remaining commissioners, and they are hereby required, to cause an election to be made at the court-house in the said town by those qualified

Vacancies, how to be supplied