

or do not perform the duty, the presiding officer may appoint another. If neither presiding officer nor Poll Clerk attend any poll, the senior Justice present, or if none, a majority of the electors present, may appoint a presiding officer and Poll Clerk. The new officer shall, before entering on his duties, take the oath required to be taken by a person in his capacity; and with the regular list, or if lost or destroyed, with the list filed with the Town Clerk, take the ballot and check lists, and return the same to the Sheriff, who shall include the votes in his return, only that he shall keep a special account of the doings and ballots at such polling district, and append the same to his return.

40. Presiding officers, Poll Clerks, Candidates and their agents, may poll their votes in the district where they are acting, though they do not reside therein, if on the day of nomination their names are certified and entered as qualified by the Sheriff on the book containing the check list, and the Sheriff shall strike such names out of the list of the district in which they are qualified to vote. If the presiding officer vote, the Poll Clerk shall examine his ballot, and administer the necessary oath to him, if required.

41. At the close of the poll in the different districts, the Poll Clerk in every district shall close the ballot box, and lock and secure the box, and seal up the book containing the check list with the key or other fastening of the ballot box, and publicly deliver them to the presiding officer so enclosed and sealed, who shall give a receipt therefor, and forthwith deliver or transmit the same to the Sheriff, who shall receive and safely keep them unopened until the re-assembly of the Court at the Court House on the day to which it had been adjourned.

42. If on the day to which the Court had been adjourned all the returns shall not have been made, instead of proceeding to open the ballot boxes returned, the Sheriff shall further adjourn the Court to the following day, and so on from day to day until all the returns are made; he shall also publicly state the cause of the adjournment, and in no case shall he adjourn the Court to so late a day as to interfere with the return of the Writ.

43. On the day to which the Court has been adjourned, the Sheriff shall publicly break the seals of the check lists and open the ballot boxes, count the ballots, ascertain and declare the state of the poll, and return the Members chosen for the County or City for which such Election was held.

44. The ballots shall be counted by the Sheriff assisted by two efficient Clerks to be appointed by him, and sworn to the faithful performance of their duty; each ballot shall be entered in the General Poll Book, and a duplicate thereof in a Check Book, both prepared with proper columns and with the Candidates' names entered therein. Before a new box shall be opened the result of the first shall be ascertained. If in counting up the two books the numbers differ, the counting shall be tested by referring to the ballots. After the result is correctly ascertained, the ballots shall be returned to the box and kept locked until the Members are declared, when the Sheriff shall destroy them. If in counting the ballots the names of more persons than can be elected are found on any ballot, such ballot shall be destroyed at once. If it takes more than one day to count the ballots, the Sheriff shall, at or before four o'clock in the afternoon, adjourn the Court from day to day until they are all counted, so that the Court shall not be kept open after four o'clock on any day; as soon as the result is known, he shall make proclamation of the Members chosen, and that the

Court is adjourned without day, and forthwith return the Writ to the Provincial Secretary, and file the poll book and check lists with the Clerk of the Peace.

45. If a presiding officer shall not have returned his Precept, and the ballot box and check list at the proper time, the Sheriff, or a candidate, or any elector, may make complaint thereof on oath to a Justice, who shall summon him to answer the same, and if he shall not shew good cause for the delay, the Justice may by warrant commit him to gaol until he duly return the Precept, ballot box, and check list.

46. If at the time the ballots are all counted and the Sheriff is ready to declare the Members, any candidate or two electors demand a scrutiny of the qualification of any candidate previously questioned and about to be returned, or protest against the whole Election or return of any Member on grounds to be stated in writing, which shall be within one hour after the declaration, the Sheriff shall enter the same in the general poll book, and annex a copy thereof to his return with the writ, and such candidate or two electors may by writing signify to the Sheriff at any time before the next meeting of the Legislature, their abandonment of the protest or scrutiny.

47. Any Sheriff who shall make a false return, or return more than are required by the writ to be chosen, shall forfeit for every offence the sum of one hundred pounds, and the party aggrieved may also recover the damages he shall sustain thereby, with costs, in an action on the case against him or any person who shall knowingly procure the same.

48. No election shall be held on Sunday, Christmas Day, or Good Friday; and when by the regular adjournment of any proceeding, or when any thing is required to be done at a particular day, and it should fall on or be adjourned to either of the said days, such things shall be done or proceeding adjourned to the next day.

49. The Sheriff at his Court, or when presiding at any poll, and the presiding officers, shall be during any of the days of proceeding in the election or the polling, conservators of the peace, and vested with the same powers for the preservation of the peace, and the apprehension and committal for trial, or holding to bail, or trying and convicting violators of the law and good order, as are vested in Justices; and for the purpose of keeping the peace and preserving good order at any election, the Sheriff or presiding officer may require the assistance of all persons present to assist him, and may commit any person for breach of the peace, molesting or threatening any elector at or coming to or returning from the said election or polling, or for any violation of good order, to the custody of any person on view, for any term not exceeding twelve hours, or may by a writing under his hand commit to prison for a like offence for a period not beyond the second day thereafter, and at the expiration thereof may cause the offender to be brought before a Justice, who shall enquire into the matter, and may fine the offender in a sum not exceeding forty shillings and costs, and commit him to gaol until the fine be paid; and all persons present are enjoined to assist the officer presiding and Justices in discharge of such duties, under pain of being guilty of a misdemeanor; and Justices residing in the district, upon being notified in writing by the Sheriff or presiding officer, shall attend to aid in preserving peace and order; and the Justices, Sheriff, or presiding officers may, when considered necessary, swear in special constables to act as peace officers, and assist in maintaining peace and order; and upon the written appli-