

Justice administering it to grant a certificate.

Penalty for refusing to take the oath.

Justice of the Peace for the County or District in which he resides, the Oath number one, in the Schedule to this Act; and such Justice of the Peace shall, (under a penalty of forty dollars, in case of refusal,) deliver to him, under the hand of such Justice, and in the form B of the said Schedule, a certificate of his having taken the said Oath, which, together with the said certificate, shall be annexed to his Return to the Writ of Election; And any Returning Officer who refuses or neglects either to take and subscribe the said Oath, or to annex it with the said certificate to his Return, shall, for such refusal or neglect, incur a penalty of forty dollars. 12 V. c. 27, s. 10.

ELECTION CLERKS.

Returning Officer to appoint an Election Clerk.

33. Each Returning Officer shall, before the Nomination Day, appoint by a Commission under his hand, in the form C of the said Schedule, a fit person to be his Election Clerk, and to assist him in the performance of his duties as Returning Officer:

Election Clerk to take an oath of office.

A certificate to be given.

2. Such Election Clerk shall take and subscribe, either before some Justice of the Peace for the County or District in which he resides, or before the said Returning Officer, the Oath number two, in the said Schedule; and of his having taken such Oath, there shall be delivered to him by the person before whom he has been sworn, and under his hand, a certificate in the form D of the said Schedule;

Penalty on persons refusing to perform the duty, &c.

3. Any person so appointed as Election Clerk, who refuses to accept the said Office, or who, having accepted it, refuses or neglects to take and subscribe the said Oath hereby above required of him, or to perform the duties of Election Clerk, shall, for such refusal or neglect, incur a penalty of forty dollars;

Proviso—another Election Clerk may be appointed in certain cases.

4. The Returning Officer may, either before or after the Nomination Day, appoint in the manner above mentioned, another person as his Election Clerk, whensoever the case requires, either by reason of the death, illness or absence of any Election Clerk previously appointed, or of his refusal or neglect to act, or otherwise; and such new Election Clerk so appointed shall perform all the duties, and comply with all the obligations of his Office, under the same penalty in case of refusal or neglect on his part, as is hereinbefore imposed in like cases;

Duty of Election Clerk in case the Returning Officer is unable to perform his duty.

5. Whenever any Returning Officer becomes unable to perform the duties of his Office, whether by death, illness, absence or otherwise, the Election Clerk, so by him appointed as aforesaid shall, under the same penalties in case of refusal or neglect on his part as are hereinabove imposed in like cases on the Returning Officer, act as and shall be Returning Officer for the