

pointed by the Mayor or otherwise, are hereby declared subject to the provisions and penalties of this section. All offenses hereunder to be prosecuted under indictment in the Circuit Court for Wicomico county, the fines to be paid to the City Treasurer for use of the streets of said city.

136. *And be it enacted*, That in case the Mayor shall fail, neglect or refuse to give notice of any election to be held under this Act, as hereinbefore provided, any five qualified voters of the city of Salisbury may give such notice in such manner as they deem best, and any election held under such notice shall be as legal and binding as if held under the notice of said Mayor, and shall be held in and returned in the same manner as if held under notice of the Mayor, and the judges thereof shall proceed in the same manner as if appointed by the Mayor, and shall be liable to the same penalties as judges acting at an election held under the authority of said Mayor.

137. *And be it enacted*, That if any of the judges at such an election shall wilfully make a false return in same, he or they shall be deemed guilty of a felony, and on conviction shall be sentenced to the penitentiary for not less than one or more than ten years.

138. *And be it enacted*, That the Council be and they are hereby made the sole judges of the election and qualification of the Mayor and members of said Council.

139. *And be it enacted*, That any person entitled as Mayor or Councilmen, before he enters upon the duties of his office shall make oath before the clerk of the Circuit Court for Wicomico county, that he will diligently and faithfully without partiality, favor or prejudice, well and truly perform the duties of Mayor or Councilman of said city, as the case may be, which oath shall be recorded in the office of said clerk, and a certificate of which oath shall be returned by said clerk to the Mayor and Council of said city and recorded amongst the proceedings of said Council, both of which records or a certified copy of either of them under seal may be used as evidence in any court of the State.

140. *And be it enacted*, That if any vacancy shall occur in the office of Mayor or Councilman by death, removal, resignation, failure to qualify or otherwise, the remaining Councilmen at their next regular meeting, or a meeting called for that purpose, shall elect a qualified person to be Mayor or Councilman, as the case may be, to fill such vacancy or vacancies, to serve until the next election and until his or their successor or successors are qualified, who shall take the oath hereinbefore