

him eligible to election, he shall forfeit such office, and such forfeiture shall be declared by the said City Council, and the vacancy caused thereby shall be immediately filled as herein provided; and if the said City Council shall neglect or refuse to declare such vacancy and to fill the same, then any tax-paying citizen of said city, being a legal voter therein, may file a petition in the Circuit Court for Allegany County against such officer, and the said court, or the judge thereof, if in vacation, shall pass an order requiring such officer to show cause why his office should not be vacated, and the vacancy filled as herein provided, and such order shall be made returnable not more than twenty days after its passage, and a copy thereof shall be served on such officer; and if he shall fail to answer the same, said court or the judge thereof, if in vacation, shall hear and determine such matter *ex parte*; and if such officer shall answer the same, then the said court, or the judge thereof, if in vacation, shall hear at once and determine the issue raised by such petition and answer, and shall declare the office of the said respondent vacant, and order the election of his successor as herein provided, or shall dismiss the petition, as the proof may justify, and may award costs as may appear equitable and right.

16. Resignation by the Mayor or any Councilman elected under this Act shall be made in writing to the Mayor and City Council for their action thereupon. In case of the removal of the Mayor or any Councilman from the territorial limits of said city, such removal shall *ipso facto* be deemed to create a vacancy in his office. In case of any vacancy from any cause in the office of Mayor, or any Councilman, the Mayor and City Council shall fill such vacancy by appointment until the next succeeding regular election; provided, such election is not more than one year off, and the person so appointed shall possess all the qualifications required by this Charter for such office; but should such election be more than one year off, this said office shall be filled by an election called for that purpose, according to law, in accordance with the methods herein prescribed for regular elections. In case of vacancy in the office of Mayor, from any cause, the Mayor and City Council may appoint one of their number to act as Mayor *pro tempore* until such vacancy is filled as provided in this section, and such Mayor *pro tempore* shall have and exercise all the powers and duties while he so acts, and his acts shall have the same force and validity as in the case of a Mayor or Councilman regularly elected and qualified.