

44. All the officials of said city, charged with disbursing, safekeeping or performing any acts touching the taxes or other revenues of said city now due, or that may hereafter become due, shall be liable for any and all branches of duty touching the same, as are the state and county officials, in regard to like services and acts, and may be proceeded against, criminally and civilly, in the same way.

45. The Mayor and City Council shall have the power to remove any officer for incompetency, inefficiency, corruption, malconduct, malfeasance or nonfeasance in office, or such other causes as may be prescribed by ordinance, after due notice in writing, and opportunity to be heard in his defense, under the rules and regulations hereinafter set forth. That whenever charges are preferred in writing under oath, and filed with the Mayor, by any person, against such officer, for any or all of the offenses named or provided for as above, it shall be his duty to have the accused duly served with a copy of such charges, and shall set a day to inquire into the truth of such charges, and shall notify the accused and any other members of said City Council, and the witnesses for and against the accused, to be present, and the said Mayor and City Council shall constitute a court to try and determine said case, and are hereby invested with exclusive jurisdiction to hear and determine said charges, and may continue the investigation from day to day, upon proper showing, to enable the accused or prosecutor to get material evidence before said City Council. The accused shall have the right to be heard in person or by counsel, and the said Mayor and City Council shall likewise be represented by counsel, if they desire it. Upon the conclusion of the investigation and argument of the cause a vote shall be taken on each charge and specification, and if a majority of all the members of the said Mayor and City Council vote to sustain either of the charges against the accused, said Mayor and City Council shall enter, or cause to be entered, its judgment, in which shall be recorded the vote of each member of the City Council upon the several charges and specifications, and an order shall be entered removing the accused from his office, and declaring the same vacant, but if the vote is otherwise, the accused shall be declared "not guilty" and judgment entered accordingly.

46. The preceding section shall not apply to any officers of the City of Cumberland who are subject to Civil Service rules as set out in Section 37 of this Act, except the Chief of the Fire