

offices, shall each give bond in the sum of Five Thousand Dollars.

38. RESIGNATIONS. The Mayor or any member of the City Council may resign his office, by a declaration in writing addressed to the Mayor and City Council.

39. FORFEITURE. If the Mayor or any member of the City Council shall fail to qualify by taking the oath of office and filing a bond, within twenty days after the official announcement of his election, his office shall be forfeited and vacated. If the Mayor or any member of the City Council shall while in office remove his residence from within the limits of the City, or if he shall in any other way cease to have all the qualifications necessary for his election, his office shall thereby be forfeited and vacated.

40. REMOVAL. (a) If the Mayor or any member of the City Council shall fail to perform any duty imposed on him by law or ordinance, or by an order of the Mayor and City Council, he may be expelled and removed from his office by a vote of three-fifths of the members of the Mayor and City Council.

(b) The Mayor and City Council shall first serve upon the accused Mayor or Councilman, as the case may be, a written statement of the charges against him. A day shall be set for hearing said charges. The charges shall be prosecuted by the City Solicitor, and the accused may be heard in person or by counsel. If the charges are sustained by a three-fifths vote, as provided above in this section, this shall be an order of expulsion and removal from office.

(c) The said Mayor or Councilman so expelled and removed shall within ten days thereafter have a right of appeal to the Circuit Court of Allegany County, which shall hear the charges de novo. The Court shall pass such order as to it may seem proper, either sustaining or reversing the vote of the City Council.

(d) Pending the appeal the said Mayor or Councilman shall be suspended without pay. If the charges shall not be sustained by the Court, the said Mayor or Councilman shall be entitled to full pay from the time of the order of expulsion and removal as voted by the Mayor and City Council.

(e) If in such circumstances the City Council shall neglect or refuse so to declare a vacancy and fill it, any person who is a taxpayer and qualified voter in the City may file a petition against such officer in the Circuit Court for Allegany