

Councillors elect, or to the Town Council, setting forth the cause of complaint, and demanding an investigation therein; and the said Councillors elect for the first election under this Act, and thereafter the Town Council, are hereby authorized and required to assemble and examine and determine the matter of such complaint without delay, but the Councillor whose return is in dispute shall not vote on the examination or determining of such complaint; and if it shall appear to the said Councillors elect, or Town Council, by satisfactory evidence on complaint as aforesaid, that any person has been returned and is serving or claiming to serve as Councillor contrary to the provisions of this Act, the said Councillors elect, or Town Council, shall declare his election to be void, and shall order a new election to supply his place as in the case of other extraordinary vacancies.

COUNCILLOR ELECT NOT ACCEPTING OFFICE.

41. If any person duly elected to the office of Councillor shall refuse or neglect, for the space of one month thereafter, to accept the same, or to take the oath of office hereinafter provided, he shall forfeit the sum of one hundred dollars to the use of the said Town, and it shall be the duty of the Town Clerk to prosecute therefor, and his said office shall thereupon be deemed vacant; and the Town Council shall declare such vacancy, and order a new election to supply his place as aforesaid.

TERM OF OFFICE.

42. The Councillors to be elected under this Act, subject to the provisions aforesaid, shall hold office until their successors elected at the next annual election, or such of them as shall be then returned elected, and shall take their seats, shall be sworn into office as hereinafter provided.

43. At the annual elections to be held under this Act all, the Councillors whose term shall be about to expire, shall be eligible for re-election if otherwise qualified; provided always, that no person shall be required to serve as Councillor two years in succession, or be nominated in such case for re-election, without his consent.

CHAIRMAN.

44. The Chairman of the Town Council shall be chosen annually by the Councillors, by a plurality of votes taken by ballot at the first meeting of the newly-elected Councillors after the general election in each year, or so soon after as may be, from among the persons duly qualified as herein provided, and not already members of the said Council; provided that the Chairman for the past year shall, if otherwise qualified, be capable of re-election, but no person shall be capable of holding the said office for more than three consecutive years; and every Chairman so chosen shall, subject to the provisions in this Act contained, hold office for the ensuing year and thereafter until his successor shall be duly chosen and sworn into office as hereinafter provided.

45. In case any vacancy shall occur in the said office of Chairman by reason of any person who shall have been elected to the office not accepting the same and taking the oath of office herein provided within ten days after such election, or by reason of any Chairman dying, becoming disqualified, resigning, or ceasing to hold the said office, the Councillors shall, within ten days after such vacancy, or as soon thereafter as may be, declare the same, and choose some other fit person to be such Chairman, subject to the provisions herein contained.

46. If any person shall accept the office of Chairman of the Town Council, and shall afterwards resign, refuse or neglect to act in the said office, he shall forfeit the sum of one hundred dollars; and it shall be the duty of the Town Clerk to prosecute therefor, to the use of the said Town; and his said office of Chairman shall thereupon be declared vacant and filled up by a new choice as aforesaid.

OATH OF OFFICE, &c.

47. The said Chairman and Councillors respectively, before entering upon the duties of their said offices, shall severally make and subscribe the following oath of office, that is to say:—"I, A. B., do solemnly swear that I am a British sub-

ject, and am qualified as by law required in every respect for the office of Chairman of the Town Council, (or Councillor, as the case may be) of the Town of Portland, to which I have been chosen, (or elected), and that I will diligently, faithfully, and impartially, and to the best of my ability, discharge the several duties which appertain to the said office of Chairman, (or Councillor) while I hold the same.—So help me God."—And the said oath of office shall be made and taken by the Councillors first elected for the said Town, at the first meeting of Councillors elect to be held as hereinafter provided, or at any subsequent meeting of the Council, and thereafter by the said Chairman and Councillors respectively, at the meeting at which such Chairman shall be chosen, or at the first regular meeting of the Town Council after the appointment or election of such Chairman or Councillors, or at some subsequent meeting, before any Justice of the Peace for the City and County of Saint John, not being a Councillor or Chairman, who shall forthwith deliver the same to the Town Clerk, to be preserved among the records of the said Town, and open at all times within reasonable business hours to inspection by any elector; provided that if any Chairman or Councillor be re-appointed or re-elected to office, as herein provided, it shall not be necessary for him to be again sworn into office on such re-appointment or re-election.

48. If at any meeting of the Town Council the Chairman or any Councillor shall be guilty of grossly, violent, or improper conduct, or shall make use of language indecent or profane or insulting to the presiding officer, or to any member of the Council present at the meeting, the Council, if ten members in all or more, besides the offender, be then present and concur in the sentence, may expel such offender from his said office of Chairman or Councillor, or another meeting may be especially summoned to adjudicate upon the subject, the time and object of such meeting being previously notified in writing to every member either personally or by notice left at his usual place of abode; and if ten members in all or more be present at such special meeting, the Council so assembled shall have power, in such manner as may be determined at such meeting, to punish the offender by reprimand, fine, or expulsion, as any ten of the members then present shall think fit; and in case of expulsion, a new choice or election shall be forthwith made or ordered as hereinbefore provided; provided that in case a fine shall be imposed the same shall in no case be more than twenty dollars, to be recovered with costs in the name of the Treasurer of the said Town, whose duty it shall be to prosecute therefor; and in every such prosecution a certificate of the Town Clerk shall be conclusive evidence of the liability of such offender, which certificate the said Town Clerk is hereby authorized and required to furnish without fee or reward.

REGULATIONS OF ELECTIONS, &c.

49. The Town Council may make bye laws for further regulating the election of Councillors and appointment of the Chairman of the Town Council, and for perfecting the conduct of such elections and appointments, provided that such bye laws shall not be inconsistent with or repugnant to the terms of this Act; and may also from time to time provide for the reasonable remuneration of the Sheriff, Clerk of the Peace, Commissioners, Poll Clerks, and any other person or persons, not being a member or members of the said Town Council, for all services rendered by them, or any of them, under the provisions of this Act, or in respect of any election of Councillors of the said Town, and for the repayment of all proper charges and expenses incurred by any such person or persons in or about the incorporation of the said Town and the establishment of municipal government therein; and all moneys payable on any such account as aforesaid, shall be a charge on the general funds of the said Town of Portland, and shall be paid therefrom in such manner as the said Council shall direct.

MEETINGS OF COUNCIL.

50. The first meeting of Councillors elect under this Act shall be held at the Police Office in the said Town of Port-