

Proviso.

four-tenths perches; north twenty-five degrees west, sixteen and sixty-eight-hundredths perches; north two and one-half degrees east, seventy-nine and one-half perches; north forty-eight and three-quarters east, eighteen and four-hundredths perches, to the place of beginning; provided, however, that for sanitary and police purposes the burgess and commissioners of Smithsburg shall have and exercise full powers and control for a distance of one-half mile in every direction from said corporate limits.

Election of burgess, etc.

SEC. 298. The male citizens of Smithsburg of the age of twenty-one years and upwards, who have resided in the state of Maryland and in said town for twelve months next preceding the election, shall on the first Monday of May, in the year eighteen-hundred and eighty-eight, and upon the same day in every year thereafter, elect by ballot a person not under twenty-three years of age, a citizen of the United States, and two years a resident of said town next preceding the election, to be burgess of said town; he shall take the oath of office before the clerk of the circuit court of Washington county, and remain in office until his successor is elected and qualified; and further, at the same election an assistant burgess and three commissioners shall be elected for the term of one year, and they shall remain in office until their successors are elected and qualified.

Vacancies—  
how filled.

SEC. 299. In case of a vacancy in the office of burgess, by death or otherwise, then the assistant burgess shall perform the duties of the office of burgess for the unexpired term; but in case any person or persons who may have been elected as burgess, assistant burgess or commissioners at any general election, shall fail or refuse to qualify as burgess, assistant burgess or commissioners within twenty days after service of notice as hereinafter provided, then the retiring burgess, at the expiration of twenty days, shall by public notice order another election to fill the vacancy or vacancies caused by a refusal of those elected to qualify; and if the retiring burgess fails, at the expiration of said twenty days, to order said election he shall be liable to indictment in the circuit court of Washington