

sons at said election shall be elected to serve one year; and annually thereafter three persons shall be elected having the qualifications above described to serve for two years as councilmen.

SEC. 5. The first election hereunder shall be held at such place as the present commissioners of Capitol Heights shall designate, after at least ten days' public notice of the same given by them, and three judges and two clerks thereof, shall be designated and appointed by them ten days prior thereto; and at said first election and the election thereafter by the Mayor and Common Council from two o'clock P. M. to seven o'clock P. M., when the polls shall be closed and the ballots publicly counted and the said judges shall, within two days after the election make a true and correct return of the same under their hands to be addressed and transmitted as to the first election, to the president of the commissioners or Mayor and Common Council, as the case may be, on the second day after the election to receive the returns of the same.

SEC. 6. At such meeting of the commissioners or the Mayor and Common Council, as the case may be, the returns shall be opened by the presiding officer, and certificates of election shall forthwith be issued by the clerk to the person appearing to be elected as Mayor, and to each person appearing to be elected as councilmen by having received the highest number of votes and the said certificates shall be recorded among the proceedings.

SEC. 7. If at any election it shall appear from the returns of the judges of election, that any two or more persons voted for as Mayor or Common Councilman have received the same number of votes, so that there is no choice for the office, a new election shall be immediately proclaimed by the Mayor or the president of the board, as the case may be, to fill the vacancy, which election shall be held on ten days' notice and in all respects as aforesaid.

SEC. 8. In case of failure to elect a Mayor and at least three Councilmen, those in office, shall continue to perform the duties pending and election which shall be held upon the notice prescribed hereinbefore. Every judge of election before he proceeds to take or receives any votes shall take an oath that he will permit every qualified person and none other to vote at the election, every clerk, before he enters any votes on the polls, shall take an oath that he will diligently and faithfully, without favor, affection or partiality execute the office of the clerk of election, the several judges may administer the oath to each other, or take the oath before a justice of the peace, and a certificate of every such oath signed by the person administering