

ELECTION WHEN SEATS VACATED, &c.

124. In case a member of council be convicted of felony or infamous crime, or be declared a bankrupt, or be charged in execution for debt, and remains in close custody, or upon the gaol limits for one month, or applies for relief as an insolvent debtor, or assigns his property for the benefit of creditors, or in case a *nulla bona* has been returned against him, or he absents himself from the meetings of the council for three months without being authorized by a resolution of the council entered on its minutes, his seat in the council shall thereby become vacant.

Seats vacated
by crime, insol-
vency, ab-
sence, &c.

125. In any case provided for by the one hundred and twentieth or one hundred and twenty-fourth sections, or in case a person elected to a council neglects or refuses to accept office, or to make the necessary declarations for office within the time required, or in case a vacancy occurs in the Council caused by death, judicial decision or otherwise, the Head of the Council for the time being, or in case of his absence, or of his office being vacant, the Clerk, or in case of the like absence or vacancy in the office of the Clerk, one of the members of the Council shall forthwith, by warrant under the signature of such Head, Clerk or Member, and under the corporate seal, require the Returning Officer appointed to hold the last election for the municipality, ward and electoral division respectively, or any other person duly appointed to that office, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy.

New elections
provided for.

126. The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected or for which the office is to be filled.

Term of office.

127. In case such non-election, neglect or refusal as aforesaid, occurs previous to the organization of the Council for the year, the warrant for the new election shall be issued by the Head or a member of the Council for the previous year, or by the Clerk in like manner as provided for by the one hundred and twenty-fifth section, but such neglect or refusal shall not interfere with the immediate organization of the new Council, provided a majority are present of the full number of the Council.

Non-election
of Members not
to prevent or-
ganization of
Council.

128. The Returning Officer shall hold the new election at furthest within eight days after receiving the warrant, and shall, at least four days before the election, post up a public notice thereof under his hand in at least four of the most public places in the municipality, ward or electoral division.

Time for hold-
ing and notice
of new election.