

of death, refusal, resignation, disqualification, or removal out of the county, before the expiration of the year, the other person chosen as aforesaid, shall be commissioned by the governor to execute the said office for such residue of the year as shall be unexpired; the said person giving bond with security as aforesaid, and in case of his death, refusal, resignation, disqualification, or removal out of the county, before the expiration of the year, the governor with the advice of his council, may nominate and commission a fit and proper person to execute the said office for such residue of the year as shall be then unexpired; the said person giving bond and security as aforesaid; the election shall be held at the same time and place appointed for the election of delegates, and the justices there summoned to attend for the preservation of the peace shall be judges thereof, and of the qualification of candidates, who shall appoint a clerk to take the ballots: all freemen above the age of twenty-one years, having a freehold of fifty acres of land in the county in which they offer to ballot, and residing therein, and all freemen above the age of twenty-one years, and having property in the state above the value of thirty pounds current money, and having resided in the county in which they offer to ballot one whole year next preceding the election, shall have a right of suffrage; no person to be eligible to the office of sheriff for a county but an inhabitant of the said county, above the age of twenty-one years, and having real and personal property in the state above the value of — the justices aforesaid shall examine the ballots, and the two candidates properly qualified, having in each county the majority of legal ballots, shall be declared duly elected for the office of sheriff for such county, and returned to the governor and council, with a certificate of the number of ballots for each of them.

43. "That the judges of the general court and justices of the county courts, may appoint the clerks of their respective courts, and in case of refusal, death, resignation, disqualification, or removal out of the state, of the clerk of the general court in the vacation of the said court; and in case of the refusal, death, resignation, disqualification, or removal out of the county of any of the said county clerks in the vacation of the county court of which he is clerk, the governor with the advice of the council may appoint and commission a fit and proper person to such vacant office respectively, to hold the same until the meeting of the next general court or county court, as the case may be.

44. "That the governor for the time being, with the advice and consent of the council, may appoint the chancellor, and all judges and justices, the attorney general, naval officers, officers in the re-