

examined by a joint committee of both houses, and the numbers severally reported, that the appointment may be entered; which mode of taking the joint ballot of both houses shall be adopted in all cases. But if two or more shall have an equal number of ballots in their favour, by which the choice shall not be determined on the first ballot, then a second ballot shall be taken, which shall be confined to the persons, who on the first ballot shall have had an equal number; and if the ballots should again be equal between two or more persons, then the election of the governor shall be determined by lot, between those who have equal numbers; and if the person chosen governor shall die, resign, remove out of the State, or refuse to act (sitting the general assembly) the senate and house of delegates shall immediately thereupon proceed to a new choice in manner aforesaid.

26. That the senators and delegates, on the second Tuesday of November 1777, and annually on the second Tuesday of November for ever thereafter, elect by joint ballot, in the same manner as senators are directed to be chosen, five of the most sensible, discreet, and experienced men, above twenty-five years of age, residents in the State above three years next preceding the election, and having therein a freehold of lands and tenements, above the value of one thousand pounds current money, to be the council to the governor, whose proceedings shall be always entered on record, to any part whereof any member may enter his dissent, and their advice, if so required by the governor, or any member of the council, shall be given in writing, and signed by the members giving the same respectively; which proceedings of the council shall be laid before the senate, or house of delegates, when called for by them, or either of

them. The council may appoint their own clerk, who shall take such oath of support and fidelity to this State as this convention or the legislature shall direct, and of secrecy, in such matters as he shall be directed by the board to keep secret.

27. That the delegates to Congress from this state shall be chosen annually, or superseded in the mean time by the joint ballot of both houses of assembly, and that there be a rotation in such manner that at least two of the number be annually changed, and no person shall be capable of being a delegate to Congress for more than three in any term of six years; and no person who holds any office of profit in the gift of Congress shall be eligible to sit in Congress, but if appointed to any such office his seat shall be thereby vacated; That no person unless above twenty-five years of age, and a resident in the state more than five years next preceding the election, and having real and personal estate in this state above the value of one thousand pounds current money, shall be eligible to sit in Congress.

28. That the senators and delegates, immediately on their annual meeting, and before they proceed to any business, and every person hereafter elected a senator, or delegate, before he acts as such, shall take an oath of support and fidelity to this State as aforesaid, and before the election of the governor, or members of the council, shall take an oath "to elect without favour, affection, partiality, or prejudice, such person, as governor, or member of the council, as they, in their judgment and conscience, believe best qualified for the office."

29. That the senate and delegates may adjourn themselves respectively; but if the two houses should not agree on the same time, but adjourn to different days,