

a joint letter to be signed by the president of the senate and the speaker of the house of delegates, and be addressed and transmitted to the secretary of state, if appointed, and if not, as soon as he shall be appointed, to be by him preserved in his office.

SEC. 21. That the general assembly shall have power to regulate by law, all matters which relate to the judges, time, place, and manner of holding elections for governor and of making returns thereof not affecting the tenure and term of office thereby, and that until otherwise directed, the returns shall be made in like manner as in elections for electors of president and vice-president, save that the form of the certificates shall be varied to suit the case, and save also, that the returns, instead of being made to the governor and council shall be made to the senate, and be addressed to the president of the senate, and be enclosed under cover to the secretary of state, by whom they shall be delivered to the president of the senate, at the commencement of the session next ensuing such election.

Time, place, manner, &c. of elections of governor.

Returns, &c. of governor.

SEC. 22. That of the persons voted for as governor, at any such election, the person having in the judgment of the senate, the highest number of legal votes, and possessing the legal qualifications, and resident as aforesaid, in the district from which the governor at such election is to be taken, shall be governor, and shall qualify in the manner prescribed by the constitution and laws, on the first Monday of January next ensuing his election, or as soon thereafter as may be, and all questions in relation to the number or legality of the votes given for each and any person voted for, as governor, and in relation to the returns, and in relation to the qualifications of the persons voted for, as governor, shall be decided by the senate, and in case two or more persons, legally qualified according to the provisions of this act, shall have an equal number of legal votes, then the senate and house of delegates, upon joint ballot, shall determine which one of them shall be governor, and the one which, upon counting the ballots, shall have the highest number of votes shall be governor, and shall qualify accordingly.

Ascertaining the results of election of governor.

Case of tie.

SEC. 23. That no person who shall be elected, and shall act as governor, shall be again eligible for the next succeeding term.

Ineligible 2d term.

SEC. 24. That the elections to be held in pursuance of this act, shall be held on the first Wednesday of October, in the year eighteen hundred and thirty-eight, and for the election of delegates on the same day in every year thereafter, for the election of governor on the same day in every third year thereafter, and for the election of senators, of the first class,

Election 1st Wed. October, 1838.