

vided, that no donation, grant, or endowment, shall at any time be made by the legislature, to any literary institution now established, or which may hereafter be established, unless at the time of making such endowment, the legislature of the state shall have the right to grant any further powers to alter, limit, or restrain any of the powers vested in any such literary institution, as shall be judged necessary to promote the best interests thereof.

## ARTICLE 9.

*General Provisions.*

§ 1. Every person elected or appointed to either of the places or offices provided in this constitution, and every person elected, appointed, or commissioned, to any judicial, executive, military, or other office under this state, shall, before he enter on the discharge of the duties of his place or office, take and subscribe the following oath or affirmation: "I, ———, do swear, that I will support the constitution of the United States and of this state, so long as I shall continue a citizen thereof. So help me God."

"I, ———, do swear, that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as ———, according to the constitution and the laws of the state: so help me God:" provided, that an affirmation in the above forms may be substituted, when the persons shall be conscientiously scrupulous of taking and subscribing an oath.

The oaths or affirmations shall be taken and subscribed by the governor and counsellors before the presiding officer of the senate, in the presence of both houses of the legislature, and by the senators and representatives before the governor and council, and by the residue of said officers before such person as shall be prescribed by the legislature; and, whenever the governor or any counsellor shall not be able to attend, during the session of the legislature, to take and subscribe said oaths or affirmations, such oaths or affirmations may be taken and subscribed, in the recess of the legislature, before any justice of the supreme judicial court: provided, that the senators and representatives first elected under this constitution shall take and subscribe such oaths or affirmations, before the president of the convention.

2. No person holding the office of justice of the supreme judicial court, or of any inferior court, attorney-general, county attorney, treasurer of the state, adjutant-general, judge of probate, register of probate, register of deeds, sheriffs or their deputies, clerks of the judicial courts, shall be a member of the legislature; and any person holding either of the foregoing offices, elected to and accepting a seat in the congress of the United States, shall thereby vacate said office; and no person shall be capable of holding or exercising, at the same time, within this state, more than one of the offices before mentioned.

3. All commissions shall be in the name of the state, signed by the governor, attested by the secretary or his deputy, and have the seal of the state thereto affixed.

4. And in case the elections required by this constitution on the first Wednesday of January, annually, by the two houses of the legislature, shall not be completed on that day, the same may be adjourned from day to day until completed, in the following order: the vacancies in the