

profits of any office, held by any other person during his acting in his office of governor, senator, delegate to Congress or assembly, or member of the council, or the profits, or any part of the profits arising on any agency, for the supply of clothing or provisions for the army or navy."

39. "That if any senator, delegate of the assembly, or member of the council, shall hold or execute any office of profit, or receive directly or indirectly, at any time, the profits or any part of the profits of any office exercised by any other person, during his acting as senator, delegate of the assembly, or member of the council, his seat, on conviction in a court of law, by the oath of two credible witnesses, shall be void, and he shall suffer the punishment for wilful and corrupt perjury, or be banished this state for ever, or disqualified for ever from holding any office or place of trust or profit, as the court may adjudge.

40. "That the chancellor, all judges, the attorney-general, clerks of the general court, the clerks of the county courts, the register of the land-office, and the register of wills, shall hold their commissions during good behaviour, removable only for misbehaviour, on conviction in a court of law.

41. "That there be a register of wills appointed for each county, who shall be commissioned by the governor, on the joint recommendation of the senate and house of delegates, and that upon the death, resignation, disqualification, or removal out of the county, by any register of wills in the recess of the general assembly, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the meeting of the general assembly.

42. "That sheriffs shall be elected annually in each county by ballot, that is to say, two persons for the office of sheriff for each county, the one of whom having the majority of votes, or if both have an equal number, either of them, at the discretion of the governor, to be commissioned by the governor for the said office; no person to continue in the said office more than three successive years, or be capable of being again elected during four years afterwards: bond with security to be taken every year as usual, and no sheriff shall be qualified to act before the same is given. In case 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 regular land and sea service, officers of the militia, registers of the land office, surveyors, and all other civil officers of government (assessors, constables and overseers of the roads only excepted) and may also suspend or remove any civil officer who has not a commission during good behaviour, and may suspend any militia officer for one month, and may also suspend or remove any regular officer in the land or sea service; and the governor may remove or suspend any militia officer in pursuance of the judgment of a court martial.

45. "That all civil officers, of the appointment of the governor and council, who do not hold commissions during good behaviour, shall be appointed annually in the third week of November, but if any of them shall be reappointed, they may continue to act without any new commission or qualification; and every officer though not reappointed shall continue to act until the person who shall be appointed and commissioned in his stead shall be qualified.

46. "That the governor, and every member of the council, before they act as such, shall respectively take an oath, "that he will not, through favour, affection, or partiality, vote for any person to office, and that he will

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