

39. "That if any senator, delegate to congress or 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 to congress or 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 forever, or disqualified forever 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 in each county by ballot, every third year, 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; and having served for three years, such person shall be ineligible for the four years next succeeding: 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 three years, the other person chosen as aforesaid, shall be commissioned by the governor to execute the said office for the residue of the said three years; 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 said three years, the governor with the advice of the council, may nominate and commission a fit and proper person to execute the said office for such residue of the said three years; 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