

advice of the council, may nominate and commission a fit and proper person to execute the said office for the 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 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 (w). All free men 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 free men 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 preceeding the election, shall have a right of suffrage (x). 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 one thousand pounds current money (y); 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 (z).

43. That every person who shall offer to vote for delegates, or for the electors of the senate, or for the sheriff, shall, (if required by any three persons qualified to vote,) before he be admitted to poll, take such oath, or affirmation, of support and fidelity to this state, as this convention or the legislature shall direct.

44. That a justice of the peace may be eligible as a senator, delegate, or member of the council, and may continue to act as a justice of the peace.

45. That no field officer of the militia shall be eligible as a senator, delegate, or member of the council (a).

46. That all civil officers hereafter to be appointed for the several counties of this state, shall have been residents of the county respectively for which they shall be appointed six months next before their appointment, and shall continue residents of their county respectively during their continuance in office.

47. That the judges of the general court (b) 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, or from their respective shores, of the clerks of the general court, or either of them, in the vacation of the said court (b); 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 (b) or county court, as the case may be (b.)

48. 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

(w) Act of 1798, ch. 115, confirmed by 1799, ch. 45.

(x) See notes (a) and (c) to the 2d section.

(y) Act of November 1809, ch. 198, confirmed by 1810, ch. 18.

(z) See note (d) to the 2d section.

(a) This section or article of the constitution was repealed and utterly abolished by the act of November 1809, ch. 65, confirmed by 1810, ch. 78.

(b) All and every part of the constitution which related to the general court was repealed and abrogated by the act of 1804, ch. 55, confirmed by 1805, ch. 16, and also every part relating to the then court of appeals.