

## THE CONSTITUTION OF MARYLAND.

of this or the United States, shall have a seat in the general assembly or the council of this state.

38. That every governor, senator, delegate to congress (o) or assembly, and member of the council, before he acts as such, shall take an oath (p) that he will not receive, directly or indirectly, at any time, any part of the profits of any office held by any other person during his acting in his office of governor, senator, delegate to congress (o), 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 to congress (q) 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 (q), or assembly, or member of the council, his seat, on conviction in a court of law, by the oath (r) 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 (s), the attorney general (t), clerks of the general court (s), the clerks of the county courts, the registers of the land-office, and the registers 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

(o) See note (h) to the 27th section. The oath or affirmation to be taken by members of Congress is prescribed by the 6th article of the constitution of the general government, and the form, &c. by the first act of congress.

(p) Act of 1794, ch. 49, confirmed by 1795, ch. 11.

(q) See note (o) to the 38th section.

(r) See note (p) to the 38th section.

(s) Act of 1804, ch. 55, confirmed by 1805, ch. 16. See the 47th and 56th sections, and the notes thereto.

(t) All and every part of the constitution and form of government, which related to the attorney general, was abrogated, annulled and made void, by the act of 1816, ch. 247, confirmed by 1817, ch. 69.