

MARYLAND GAZETTE.

THURSDAY, NOVEMBER 28, 1776.

The CONSTITUTION and FORM of GOVERNMENT agreed to by the Delegates of MARYLAND in free and full convention assembled.

[Concluded from our last.]

THAT the senators and delegates, immediately on their annual meeting, and before they proceed to any business, and every person hereafter elected a senator, or delegate, before he acts as such, shall take an oath of support and fidelity to this state as aforesaid, and before the election of the governor, or members of the council, shall take an oath "to elect without favour, affection, partiality, or prejudice, such person, as governor, or member of the council, as they, in their judgment and conscience, believe best qualified for the office."

29. That the senate and delegates may adjourn themselves respectively; but if the two houses should not agree on the same time, but adjourn to different days, then shall the governor appoint and notify one of those days or some day between, and the assembly shall then meet and be held accordingly, and he shall, if necessary, by advice of the council, call them before the time to which they shall in any manner be adjourned, on giving not less than ten days notice thereof, but the governor shall not adjourn the assembly otherwise than as aforesaid, nor prorogue or dissolve it at any time.

30. That no person unless above twenty-five years of age, a resident in this state above five years next preceding the election, and having in the state real and personal property above the value of five thousand pounds current money, one thousand pounds whereof at least to be of freehold estate, shall be eligible as governor.

31. That the governor shall not continue in that office longer than three years successively, nor be eligible as governor until the expiration of four years, after he shall have been out of that office.

32. That upon the death, resignation, or removal out of this state of the governor, the first named of the council, for the time being, shall act as governor, and qualify in the same manner, and shall immediately call a meeting of the general assembly, giving not less than fourteen days notice of the meeting, at which meeting a governor shall be appointed, in manner aforesaid, for the residue of the year.

33. That the governor, by and with the advice and consent of the council, may embody the militia, and when embodied shall alone have the direction thereof, and shall also have the direction of all the regular land and sea forces under the laws of this state, but he shall not command in person unless advised thereto by the council, and then only so long as they shall approve thereof, and may alone exercise all other the executive powers of government, where the concurrence of the council is not required, according to the laws of this state, and grant reprieves or pardons for any crime, except in such cases where the law shall otherwise direct; and may, during the recess of the general assembly, lay embargoes to prevent the departure of any shipping, or the exportation of any commodities, for any time not exceeding thirty days in any one year, and summoning the general assembly to meet within the time of the continuance of such embargo, and may also order and compel any vessel to ride quarantine, if such vessel, or the port from which she shall have come, shall, on strong grounds, be suspected to be infected with the plague; but the governor shall not, under any pretence, exercise any power or prerogative, by virtue of any law, statute, or custom of England or Great-Britain.

34. That the members of the council, or any three or more of them, when convened, shall constitute a board for the transacting of business; that the governor for the time being shall preside in the council, and be entitled to a vote on all questions in which the council shall be divided in opinion; and in the absence of the governor the first named of the council shall preside, and as such shall also vote in all cases where the other members disagree in their opinion.

35. That in case of refusal, death, resignation, disqualification, or removal out of the state, by any person chosen a member of the council, the members thereof, immediately thereupon, or at their next meeting thereafter, shall elect, by ballot, another person, qualified as aforesaid, in his place, for the residue of the year.

36. That the council shall have power to make the great seal of this state, which shall be kept by the chancellor for the time being, and affixed to all laws, commissions, grants, and other public testimonials, as has been heretofore practised in this state.

37. That no senator, delegate of the assembly, or member of the council, if he shall qualify as such, shall hold or execute any office of profit, or receive

the profits of any office exercised by any other person, during the time for which he shall be elected; nor shall any governor be capable of holding any other office of profit in this state while he acts as such, and no person holding a place of profit, or receiving any part of the profits thereof, or receiving the profits or any part of the profits arising on any agency for the supply of cloathing or provisions for the army or navy, or holding any office under the United States, or any of them, or a minister or preacher of the gospel, of any denomination, or any person employed in the regular land service, or marine, 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 or assembly, and member of the council, before he acts as such, shall take an oath, "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, or assembly, or member of the council, or the profits, or any part of the profits arising on any agency, for the supply of cloathing or provisions for the army or navy."

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 for ever, or disqualified for ever from holding any office or place of trust or profit, as the court may adjudge.

40. That the chancellors, all judges, the attorney-general, clerks of the general court, 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 misdemeanour, 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 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: 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 one thousand pounds current money: 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

electd 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 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.

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 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 clerk of the general court, or either of them, 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.

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 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.

49. 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.

50. That the governor, every member of the council, and every judge and justice, 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 vote for such person as in his judgment and conscience he believes most fit and best qualified for the office, and that he has not made, nor will make, any promise or engagement to give his vote or interest in favour of any person."

51. That there be two registers of the land office, one upon the western, and one upon the eastern shore; that short extracts of the grants and certificates of the land on the western and eastern shores respectively be made in separate books, at the public expence, and deposited in the offices of the said registers, in such manner as shall hereafter be provided by the general assembly.

52. That every chancellor, judge, register of wills, commissioner of the loan office, attorney general, sheriff, treasurer, naval officer, register of the land office, register of the chancery court, and every clerk of the common law courts, surveyor, and auditor of public accounts, before he acts as such, shall take an oath "that he will not directly or indirectly receive any fee or reward for doing his office of... but what is or shall be allowed by law, nor will directly or indirectly receive the profits of any part of the profits of any office held by any other person, and that he does not hold the same office in trust or for the benefit of any other person."

53. That if any governor, chancellor, judge, register of wills, attorney general, register of the land office, commissioner of the loan office, register of the chancery court, or any clerk of the common law courts, treasurer, naval officer, sheriff, surveyor, or auditor of public accounts shall receive direct-

ers, taken by the Americans, have in the most remarkable tenderness and numbers, who are safely returned to freely confess, to the honour of our colonies. And it is a fact, which can in London, that this very surgeon on ter, after the battle of Lexington, for many days voluntarily and generously or reward, employed himself in the wounded soldiers, who, but an hour have shot him if they could have come making a collection for their refreshment, money, &c. in the town where he a real fact, of which the most ample had.

of the privateer was solely owing to the and brotherly kindness of capt. John, considering his English prisoners in the would Frenchmen or Spaniards, put sort of confinement, put permitted them as freely as his own people, at all advantage of this indulgence; the private watching their opportunity when most's people were below and asleep, shut es, and making all fast, had immediate vessel without using any force.

de with saying, that though this letter your lordship, I hope that all who may ve any influence, will do all in their the necessary relief; and it is humbly that the well-disposed, who are blessed could not better bestow their bounty e poor objects. Vegetables and ripe is, with porter, &c. must be very utile means to procure other necessities. lies opposite to Ratcliffe-Cross, a mile w the Tower, and by asking for capt. nce may be obtained.

HUMANITAS.

been informed, since the receipt of the at the crew of the American privateer ces yesterday morning, at half past three ed on board a vessel, and carried down eured in Dover-Castle.

Annapolis, October 16, 1776.

CONVENTION of this province have- ight propo to pass a resolve, that no LOAN-OFFICE be put in suit for of interest before the 1st day of Ja- hofe in arrears are requested to take o further indulgence will be given.

JOHN CLAPHAM, WILLIAM EDDIS.

on Saturday the 21st day of Decem- ber, 1776.

o acres of valuable land, lying in the art of Anne-Arundel county, joining where I formerly lived: This land is ill adapted to corn, wheat, rye, and has re are also 240 acres of fine meadow to any in this province, six acres of red, well set with timothy grass, under and now rents for 21. a year. There hard, and ground enough cleared to els of corn the ensuing summer. It is ood neighbourhood, is about 25 miles landing, about 15 miles from Ellicott's out 23 from Biadensburg: There is a five range. Any person inclinable to view the land before the day of sale, by pt. Benjamin Warfield, who lives near s will be made known on the day of as Dorsey, son of Joshua, on Elkridge, riber,

JOHN WAYMAN.

ed to sale to the highest bidder, for on the 10th day of December next, the last will and testament of John ated,

ed acres of land, lying in Talbot county, River Neck, near the ferry, with a large house, with all other houses suitable to bearing orchards thereon. The sale to wives. Likewise some stock and household

particulars enquire of James Benson, and

MARY YOUNG, Executrix.

public sale, on Tuesday the 10th day of ext (if fair, if not, the next fair day) ling-house of the late Mr. Benjamin t West-River, for bills of exchange, or current money, at an exchange to pon on the day of sale,

of healthy NEGROES, consisting of men and children, among whom are follows who are good farmers.—All per- to the estate of Benjamin Harrison are e immediate payment; and those who have red to make them known to

AM. HARRISON, } Executors. AM. HARRISON, jun. }

George's county, November 10, 1776; or stolen from the subscriber, living dens iron-works, a dark bay mare, al- quarter blooded, about fourteen hands white spot on her withers about as big as she trots and gallops and has been late- she has a small tail, low neck, her mane e on her neck; she is low in flesh, and when taken away; she has no percep- Any person who apprehends the rogue e mare, so that the owner may get her ceive five pounds reward; if strayed, s, paid by

THOMAS GASSAWAY WATKINS

EN.