

and qualify in the same manner, (l) 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. (f)

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, summoning the general assembly to meet within the time of the continuance of such embargo (m), 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 they 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 (n); 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 clothing 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

(l) Act of June 1809, ch. 16, confirmed by November 1809, ch. 11.

(m) The congress of the United States having the power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes, it follows of course that the power of laying embargoes is thereby taken from the respective states, although it is not enumerated with those acts which they are expressly prohibited to do.

(n) Act of June 1809, ch. 16, confirmed by November 1809, ch. 11.