

Ivi. THE CONSTITUTION AND FORM OF GOVERNMENT,

27. (m)

28. 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, or affirmation(n), of support and fidelity to this state as aforesaid; and before the election of a governor, or members of the council, shall take an oath, or affirmation(n), "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(o), 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,) until the next meeting of the general assembly, at which meeting a governor shall be chosen in the manner heretofore appointed and directed(p).

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

(m) It was intended by the framers of the constitution to prevent any alteration therein except in the manner prescribed by the fifty-ninth section thereof, but by the constitution of the general government the congress was newly organized, and the mode of electing representatives prescribed so as to render this section inoperative and no longer a part of the constitution. The section is numbered and left blank in order to preserve the original numbers of the other sections.

(n) See the note to the 18th section.

(o) The person to be elected governor was required to have 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; but by November 1809, ch. 198, confirmed by 1810, ch. 18, all such parts of the constitution as required a property qualification in persons to be appointed or holding offices of profit or trust in this state, were abolished.

(p) In the original section the first named of the council was directed to act as governor, and qualify in the same manner, and immediately to call a meeting of the general assembly, at which a governor was to be appointed for the residue of the year. The alteration was made by the act of June 1809, ch. 16, confirmed by November 1809, ch. 11.