

law shall otherwise direct(q); 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 *during the time for which he shall be elected*(c). 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 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 of this or the United States, shall have a seat in the general assembly or the council of this state. *And no member of congress, or person holding an office of trust or profit under the United States, shall be capable of having a seat in the general assembly, or holding any office of trust or profit under this state. And if any member of the general assembly, or person holding an office of trust or profit under this state, shall take his seat in congress, or accept of an office of trust or profit under the United States, or, being elected to congress, or appointed to an office of trust or profit under the United States, not make his resignation of his seat in congress, or of his office, as the case may be, within thirty days after notice of his election or appointment to office as aforesaid, his seat in the legislature of this state, or of his office held under this state as aforesaid, shall be void*(s).

(q) In the original section the governor was authorised, during the recess of the general assembly, to 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; which part is here omitted, inasmuch as the congress of the United States have the power to regulate commerce with foreign nations and among the several states, so that this omission is an alteration which has arisen under the constitution of the United States.

(r) In the original section the governor was prevented from holding any other office of profit in this state, while he acted as such. The present restriction was made a part of the constitution by the act of June 1809, ch. 16, confirmed by November 1809, ch. 11.

(s) This restraining provision has become a part of the constitution under the act of 1791, ch. 30, confirmed by November 1792, ch. 22.