

16. THE CONSTITUTION AND FORM OF GOVERNMENT,

47. That the *judges of the court of appeals and judges of the county courts(e)*, may appoint the clerks of their respective courts; and in case of death, resignation, disqualification or removal out of the state, or from their respective shores, of either of the said clerks of the court of appeals in the vacation of the said court(c), 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 court of appeals or county court, as the case may be.

48. That the governor for the time being shall nominate(f), and by and with the advice and consent of the council, appoint the chancellor, and all judges and justices(g), 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 *December(h)*, 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, or affirmation(i), 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 expense, and deposited in the offices of the said registers, in such manner as shall hereafter be provided by the General Assembly.

(e) Similar provisions were contained in the original section as to the judges of the general court appointing the clerks of that court, and directing the manner of filling up vacancies, which court was abolished by 1804, ch. 55, confirmed by 1805, ch. 16, organizing a new court of appeals, and authorising the judges thereof to appoint the clerks of the said court for the western and eastern shores respectively, and in case of death, resignation, disqualification, or removal out of the state, or from their respective shores, of either of the said clerks, in vacation of the said court, the governor, with the advice of the council, might appoint and commission a fit and proper person to such vacant office, to hold the same until the next meeting of the said court, which alteration of the constitution has occasioned the substitution here made, and also that of the term *judges* of the county courts, for justices, as in the original.

(f) The duty of nominating was imposed by the act of 1817, ch. 189, confirmed by 1818, ch. 159.

(g) The attorney-general, originally included, is omitted under the act of 1816, ch. 247, confirmed by 1817, ch. 69, by which every part of the constitution relating to the attorney general was annulled.

(h) Altered from the third week of November by the act of 1811, ch. 211, confirmed by November 1812, ch. 129.

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