

CHAPTER II.—SECTION 3.

Council, and the manner of settling elections by the Legislature.

Article 1. There shall be a council for advising the governor in the executive part of government, to consist of nine persons, besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority from time to time, at his discretion to assemble and call together : and the governor, with the said counsellors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

2. Nine counsellors shall be annually chosen from among the persons returned from the counsellors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives, assembled in one room : and in case there shall not be found, upon the first choice, the whole number of nine persons, who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid, from among the people at large ; and the number of senators left shall constitute the senate for the year. The seats for the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.

3. The counsellors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

4. Not more than two counsellors shall be chosen out of any one district of this commonwealth.

5. The resolutions and advice of the council shall be recorded in a register ; and signed by the members present : and this record may be called for at any time by either house of the legislature ; and any member of the council may insert his opinion, contrary to the resolution of the majority.

6. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do and execute all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they or either of them were personally present.

7. And whereas the elections appointed to be made by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows : the vacancies in the senate, if any, shall first be filled up ; the governor and lieutenant-governor shall then be elected, provided there shall be no choice of them by the people ; and afterwards the two houses shall proceed to the election of the council.

CHAPTER II.—SECTION 4.

Secretary, Treasurer, Commissary, &c.

Article 1. The secretary, treasurer, and receiver-general, and the commissary-general, notaries public, and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one