

major-generals, their aids; the captains and subalterns, their non-commissioned officers.

The governor and council shall appoint all officers of the continental army, whom, by the confederation of the United States, it is provided that this state shall appoint: as also all officers of forts and garrisons.

The division of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper division of the militia of this state, until the same shall be altered by some future law.

No moneys shall be issued out of the treasury of this state, and disposed of, except such sums as may be appropriated for the redemption of bills of credit, or treasurer's notes, or for the payment of interest arising thereon, by warrant under the hand of the governor for the time being, by and with the advice and consent of the council, for the necessary support and defence of this state, and for the necessary protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this state, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon, with their appendages, and small arms, with their accoutrements, and of all other public property under their care respectively; distinguishing the quantity and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbour or harbours adjacent.

The governor and council shall be compensated for their services, from time to time, by such grants as the general court shall think reasonable.

Permanent and honourable salaries shall be established by law for the justices of the supreme court.

#### *Council.*

There shall be annually elected, by ballot, five counsellors, for advising the governor in the executive part of the government. The freeholders and other inhabitants in each county, qualified to vote for senators, shall, some time in the month of March, give in their votes for one counsellor; which votes shall be received, sorted, counted, certified, and returned to the secretary's office, in the same manner as the votes for senators, to be by the secretary laid before the senate and house of representatives on the first Wednesday in June.

And the person having a majority of votes in any county shall be considered as duly elected a counsellor; but if no person shall have a majority of votes in any county, the senate and house of representatives shall take the names of the two persons who have the highest number of votes in each county and not elected, and out of those two shall elect, by joint ballot, the counsellor wanted for such county.

*Provided, nevertheless,* That no person shall be capable of being elected a counsellor who has not an estate of the value of five hundred