

rity of votes, for any district, the deficiency shall be supplied in the following manner, viz. The members of the house of representatives, and such senators as shall be declared elected, shall take the names of the two persons having the highest number of votes in the district, and out of them shall elect by joint ballot the senator wanted for such district; and in this manner all such vacancies shall be filled up in every district of the state; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be after such vacancies happen.

The senate shall be final judges of the elections, returns, and qualifications of their own members, as pointed out in this constitution.

The senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time.

*Provided, nevertheless,* That whenever they shall sit on the trial of any impeachment, they may adjourn to such time and place as they may think proper, although the legislature be not assembled on such day or at such place.

The senate shall appoint their president and other officers, and determine their own rules of proceedings: and not less than seven members of this senate shall make a quorum for doing business: and when less than eight senators shall be present, the assent of five at least shall be necessary to render their acts and proceedings valid.

The senate shall be a court, with full power and authority to hear, try, and determine, all impeachments made by the house of representatives against any officer or officers of the state, for bribery, corruption, malpractice, or maladministration, in office: with full power to issue summons, or compulsory process, for convening witnesses before them, with all necessary powers incident to a court of trials; but, previous to the trial of any such impeachment, the members of the senate shall be respectively sworn truly and impartially to try and determine the charge and question, according to evidence. And every officer, impeached for bribery, corruption, malpractice, or maladministration in office, shall be served with an attested copy of the impeachment, and order of the senate thereon, with such citation as the senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the sheriff, or such other sworn officer as the senate may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned, the senate may proceed in hearing of the impeachment, giving the person impeached, if he shall appear, full liberty of producing witnesses and proofs, and of making his defence, by himself and counsel; and may, also, upon his refusing or neglecting to appear, hear the proofs in support of the impeachment, and render judgment thereon, his nonappearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial. Their judgment, however, shall not extend further than removal from office, disqualification to hold or enjoy any place of honour, trust, or profit under this state; but the party so convicted shall nevertheless be liable to indictment, trial, judgment, and punishment according to the laws of the land.

Whenever the governor shall be impeached, the chief justice of the supreme judicial court shall, during the trial, preside in the senate, but have no vote therein.