

not thus be made up, because of an equal number on the second ballot still being in favour of two or more persons, then the election shall be determined by lot, between those who have equal numbers; which proceedings of the electors shall be certified under their hands and returned to the chancellor for the time being.

17. That the electors of senators shall judge of the qualifications and elections of members of their body, and on a contested election shall admit to a seat, as an elector, such qualified person, as shall appear to them to have the greatest number of legal votes in his favour.

18. That the electors immediately on their meeting, and before they proceed to the election of senators, take such oath of support and fidelity to this state, as this convention or the legislature shall direct, and also an oath "to elect, without favour, affection, partiality, or prejudice, such persons for senators as they, in their judgment and conscience, believe best qualified for the office."

19. That in case of refusal, death, resignation, disqualification, or removal out of this state, of any senator, or on his becoming governor, or a member of the council, the senate shall immediately thereupon, or at their next meeting thereafter, elect by ballot, in the same manner as the electors are above directed to chuse senators, another person in his place, for the residue of the said term of five years.

20. That not less than a majority of the senate, with their president, (to be chosen by them by ballot) shall constitute a house for the transacting any business, other than that of adjourning.

21. That the senate shall judge of the elections and qualification of senators.

22. That the senate may originate any other, except money bills, to which their assent or dissent only shall be given, and may receive any other bills from the house of delegates, and assent, dissent or propose amendments.

23. That the general assembly meet annually, on the first Monday of November, and if necessary oftener.

24. That each house shall appoint its own officers, and settle its own rules of proceeding.

25. That a person of wisdom, experience, and virtue, shall be chosen governor, on the second Monday of November seventeen hundred and seventy-seven, and on the second Monday in every year for ever thereafter, by the joint ballot of both houses, to be taken in each house respectively, deposited in a conference room, the boxes to be examined by a joint committee of both houses, and the numbers severally reported, that the appointment may be entered; which mode of taking the joint ballot of both houses shall be adopted in all cases. But if two or more shall have an equal number of ballots in their favour, by which the choice shall not be determined on the first ballot, then a second ballot shall be taken, which shall be confined to the persons, who on the first ballot shall have had an equal number; and if the ballots should again be equal between two or more persons, then the election of the governor shall be determined by lot, between those who have equal numbers; and if the person chosen governor shall die, resign, remove out of the state, or refuse to act (sitting the general assembly) the senate and house of delegates shall immediately thereupon proceed to a new choice in manner aforesaid.

26. That the senators and delegates, on the second Tuesday of November seventeen hundred and seventy seven, and annually on the second Tuesday of November for ever thereafter, elect by joint ballot, in the same manner as senators are directed to be chosen, five of the most sensible, discreet, and experienced men, above twenty-five years of age, residents in the state above three years next preceding the election, and having therein a freehold of lands and tenements, above the value of one thousand pounds current money, to be the council to the governor, whose proceedings shall be always entered on record, to any part whereof any member may enter his dissent, and their advice, if so required by the governor, or any member of the council, shall be given in writing, and signed by the members giving the same respectively; which proceedings of the council shall be laid before the senate, or house of delegates, when called for by them, or either of them. The council may appoint their own clerk, who shall take such oath of support and fidelity to this state as this convention or the legislature shall direct, and of secrecy, in such matters as he shall be directed by the board to keep secret.

27. That the delegates to Congress from this state shall be chosen annually, or superseded in the mean time by the joint ballot of both houses of assembly, and that there be a rotation in such manner that at least two of the number be annually changed; and no person shall be capable of being a delegate to congress for more than three in any term of six years; and no person who holds any office of profit in the gift of Congress shall be eligible to sit in Congress, but if appointed to any such office his seat shall be thereby vacated: That no person unless above twenty-five years of age, and a resident in this state more than five years next preceding the election, and having real and personal estate in this state above the value of one thousand pounds current money, shall be eligible to sit in Congress.

28. That the senators and delegates, immediately on their annual meeting, and before they proceed to any business, and every person hereafter elected a senator, or delegate, before he acts as such, shall take an oath of support and fidelity to this state as aforesaid, and before the election of the governor, or members of the council, shall take an oath "to elect without favour, affection, partiality, or prejudice, such person, as governor, or member of the council, as they, in their judgment and conscience, believe best qualified for the office."

29. That the senate and delegates may adjourn themselves respectively; but if the two houses should not agree on the same time, but adjourn to different days, then shall the governor appoint and notify one of those days or some day between, and the assembly shall then meet and be held accordingly, and he shall, if necessary, by advice of the council, call them before the time to which they shall in any manner be adjourned, on giving not less than ten days notice thereof, but the governor shall not adjourn the assembly otherwise than as aforesaid, nor prorogue or dissolve it at any time.

30. That