

such persons as shall be absent on the public business of the United States, or this state, and shall be elected by the electors of the senate when assembled to elect senators in the year seventeen hundred and ninety-six, and for ever thereafter by the electors of the senate when so assembled; and the said election of the council shall be made in the same manner as the election of senators, and no person shall be capable of acting as a member of the council longer than ten years successively: And if any person elected a member of the council shall refuse to act, die, resign, or remove out of the state, during the recess of the general assembly, the members thereof, immediately thereupon, or at their next meeting thereafter, shall elect, by ballot, another person, qualified as aforesaid, in his place, until the meeting of the general assembly; and in the first week of the session the said vacancy shall be supplied as follows, to wit: The house of delegates shall, by ballot, appoint nine of their body then present, and the said nine, or a majority of them, shall, by ballot, nominate to the senate three qualified persons, and out of such nomination the senate shall elect one person, by ballot, to fill the vacancy for the residue of the five years; and if any member of the council, or the person so elected, shall refuse to act, die, resign, or remove out of the state, during the sitting of the general assembly, such vacancy shall be filled up in like manner; and if during the recess of the general assembly, such vacancy shall be filled up by the members of the council in manner aforesaid, until the next meeting of the general assembly, and, in such case, the said vacancy shall be filled up in manner aforesaid, and so *reties actio* whenever a vacancy shall happen it shall be filled up as herein before directed. That the proceedings of the council