

**Governor—Impeachments—Senate.**

The executive possesses no authority under the constitution and statutes to convene the senate for any purpose except the transaction of executive business.

Upon the presentation of articles of impeachment at the bar of the senate that body possesses authority to resolve itself into a court to try said charge, and for that purpose to recess and convene without authorization of the executive.

Hon. J. E. Erickson,  
Governor of Montana,  
Helena, Montana.

March 2, 1927.

My dear Governor Erickson:

You have requested my opinion whether, in view of the recent action of the house in preferring impeachment charges against C. T. Stewart, secretary of state, it is incumbent upon you to issue a call for a special session of the senate to try said charges.

It is my opinion that no authority is vested in the executive to convene the legislative assembly for any purpose except to act as a law-making body, nor is any such authority given him to convene the senate separately for any purpose except for the transaction of executive business. These powers are given by article V, section 6, and article VII, section 11, of the constitution. No constitutional or statutory provisions will be found indicating the existence of any further grant of authority to the chief executive in that respect.

Impeachments are tried by the senate sitting for that purpose as a judicial body. (Article VIII, section 1; article V, section 16).

It is therefore my opinion that upon the presentation of articles of impeachment at the bar of the senate, in compliance with section 11670, R. C. M. 1921, that body possesses authority to resolve itself into a court to try the said charges and for that purpose to recess and to convene at its pleasure, without authorization of the executive.

Very truly yours,

L. A. FOOT,  
Attorney General.