

The question pending being on the substitute offered by Mr. McHenry, for the 4th section of the report.

Mr. McHenry, withdrew said substitute.

On motion of Mr. Tuck,

The 4th section of said report was amended by inserting after the word "for," these words, "determining the number for each county, and;"

Mr. Tuck, moved further to amend said 4th section by adding at the end thereof the following :

"And the number of commissioners that may be hereafter prescribed by law shall not be changed;"

Determined in the negative.

The said 4th section was then adopted as amended.

Mr. McHenry, moved further to amend said report of the committee by inserting as an additional section, the section to be found in his report on page 748 of Journal, and marked section 4th.

Mr. Dent, moved to amend said amendment by striking out the words "Justices of the Peace," and inserting in lieu thereof "competent persons;"

Determined in the negative.

The question then recurred upon the adoption of the amendment as offered by Mr. McHenry;

Determined in the negative.

The 5th section of said report was then read.

Mr. Constable, moved to amend said section by inserting after the words "the General Assembly," the words "shall provide by law for the election of road supervisors in the several counties by the voters of the election district respectively, and;"

Mr. Blakistone, offered as a substitute for said 5th section the following :

"The commissioners of the several counties of this State, after the adoption of this constitution, shall fix the number of Supervisors of roads for the several election districts of their respective counties, who shall be elected by the legal voters of said districts respectively, at the first general election of delegates, and at each general election of delegates that may happen thereafter, and in case of the death or removal of any supervisor, the commissioners shall supply such vacancy until the next general election, and any person elected supervisor, who shall refuse to act shall be subject to a penalty of \$10, unless such person has previously served in such capacity within the last ten years next preceding."

Which was read.

The President ruled the substitute to be out of order.

The question then recurred on the adoption of the amendment as offered by Mr. Constable;

Mr. John Newcomer, moved the previous question, and being seconded;