

By the 14th section, "all civil officers appointed by the Governor and Senate, shall be nominated to the Senate within fifty days from the commencement of each regular session of the Legislature."

Your Committee are of opinion, that in the case of filling vacancies provided for, under the 12th section, that is, all vacancies which have occurred, and have been filled by the Governor, since the 10th day of March, 1860, the Governor is bound by the Constitution to send in the nominations to this, "the next session of the Legislature."

It is true that this is an extra session, called under the provisions of the 16th section, but it is still a "session of the Legislature," and recognized as such by the Constitution.

In case of a vacancy occurring during the session of the Legislature, the nomination to the Senate must be made at the time of appointment; for the 12th section confines the filling of vacancies to those occurring during the recess of the Senate. Any vacancy that occurs during this session of the Legislature, or has occurred since the commencement of this session, cannot be filled by the Governor until the Senate is in session.

The provisions of the 14th section confine the nominations to "each regular session of the Legislature," to civil officers, "not military," and the provisions of this section do not apply to the filling of vacancies.

Your Committee are therefore of opinion that the Governor was bound by the Constitution to send to the Senate the nominations of all civil and military officers appointed by him since the 10th day of March, 1860, to fill all vacancies, unless the vacancy occurred since the commencement of this session, in which case he is bound to send in the nomination at once.

D. C. BLACKISTONE,

*Chairman of Committee.*

On motion of Mr. McKaig,

A call of the Senate was ordered, when the following Senators answered to their names:

Messrs. Blackistone, Franklin, Grahame, Heckart, Kimmel, Lynch, McKaig, Stone, Townsend, Watkins—10.

The Sergeant-at-Arms returned, and reported that he had notified the absent Senators that their attendance was required at the Senate chamber.

The question was then taken on the adoption of the Report.