

The third and fourth sections were read and severally adopted.

The fifth section was read, when

On motion of Mr. Pigman,

The following was offered as a substitute.

And be it enacted, That the governor shall nominate, and by and with the advice of the senate, shall appoint the chancellor and all judges and justices, and the attorney general, and all other civil officers of government, (assessors, constables and overseers of the roads, only excepted,) who have heretofore been appointed by the governor and council of this state, under the original constitution.

The question was put.

“Will the senate accept the substitute?”

And it was determined in the negative.

The question was then put,

“Will the senate adopt the fifth section?”

The yeas and nays were asked for, and on taking them they appeared as follows:

AFFIRMATIVE.

Messrs. Emory,

Morris,

Sappington,—3.

NEGATIVE.

Messrs. Forrest (Pres't)

Claude,

Groome,

Hughlett,

Montgomery,

Pigman,

Wilson,

Wootton,—8

So it was determined in the negative.

The sixth, seventh and eighth sections, were read and severally adopted.