

day biennially thereafter, and I understand, for the mutual convenience of those officers, they began their respective terms of office on the first day of May biennially.

This second election at which the present incumbent was elected, took place in 1864, because the term of service of the Librarian ended in 1865, when there would be no session of the Legislature, under the former Constitution; and in such case the Court of Appeals had decided in one of those contested cases for this office that the Legislature could anticipate such vacancy and fill it by an election at the previous session.

In this state of things the present Constitution was adopted containing the following provision in section 4 of Article 7:

“The State Librarian shall be elected by a joint vote of the two branches of the General Assembly for four years and until his successor shall be elected and qualified. His salary shall be fifteen hundred dollars per annum, and the General Assembly shall pass no law whereby he shall receive any additional compensation. He shall perform such duties as are now or may hereafter be prescribed by law. In case of a vacancy in the office of State Librarian from death, resignation or other causes, the Governor shall fill such vacancies until the next meeting of the General Assembly thereafter, and until a successor be elected and qualified.”

This provision of the new Constitution it will be seen makes some changes in relation to this office, increases the salary, prolongs the term to four years, makes provision for vacancies, &c., &c.

This section (the 4th section of the 7th Article) is restrained in its operation by the 6th section of the 12th Article of the Constitution, which declares, that “all officers, civil or military, now holding office whether by election or appointment under the State shall continue to hold and exercise their offices according to their present tenure, unless otherwise provided in this Constitution, until they shall be superseded pursuant to its provisions, and until their successors be duly qualified, and the compensation of such officers, which has been increased by this Constitution, shall take effect from the first day of January eighteen hundred and sixty-five.”

By this section the State Librarian holding an office under the State, was authorized to continue to hold and exercise it according to its present tenure, that is its tenure under the former Constitution. These words, “present tenure” in this section as applicable to the office of Librarian, mean the term of years for which the incumbent was then holding this office.

The Librarian then is to continue to hold and exercise his office under the existing Constitution during the term for