

which he was elected, and which he was then "holding" under the former Constitution. But the present Librarian having been elected for two distinct terms, each for two years, the one ending on the 23d day of April, 1865, and the other on the same day in 1867, the inquiry is to which one of these two terms does this section apply, or does it apply to the period of time comprehending them both. In other words, does the incumbent hold this office under this section, until the 23d of April next, or for two years from that day.

It will be perceived that I exclude from this inquiry the suggestion, that the incumbent may hold for four years; the new term fixed in the present Constitution, because by this section the incumbent is to complete a term begun under the former Constitution, and this new term did not then exist, and to hold which he was not and could not have been elected.

These two terms of office to which the present State Librarian has been elected, were made by different Legislatures, at different times, the one term held many months before the election to the other took place, the one to expire before the other commences, requiring distinct official bonds and oaths, and cannot it seem to me be united as forming one tenure or term of office, such as this section refers to.

The incumbent must be holding this office according to its present tenure; that is, the tenure existing at the time of the adoption of the Constitution, which by this (6th section of 12th Article) section he is authorized "to continue and hold and exercise;" language which cannot be predicated of two terms of office; the one term begun, and then held and exercised, and the other term not then held and exercised, but to be begun, held and exercised (if ever) at some future period.

The same reasoning will show that the words "present tenure," cannot mean the second term under the second election, beginning on the 23d of April, 1865, because this section refers to a term of office already commenced, and when the Constitution was adopted.

These two terms of office are to be considered as separate and distinct as if they were filled by two different persons. Suppose then, that to be the case, and two different persons elected, and the person elected to the second term to be claiming the office under this second election, by virtue of this 6th section of the 12th Article, could such claim be allowed? Surely not, he was not an officer of the State, by virtue of this election, at the time the Constitution was adopted. His term or tenure was not then a *present* tenure or term, but one in the future, if ever to be held and exercised by him; and therefore, this section reserves no rights for him. There can be no difference made in the construction of these clauses of the Constitution, whether there be one person holding these two different terms of office, or two persons holding severally these terms.