

OPINION OF THE ATTORNEY GENERAL.

ANNAPOLIS, *January 31st*, 1865.

MESSRS. KING, CRONISE AND MALONE,

Committee of the House of Delegates of Maryland.

Gentlemen:—In reply to your application under the order of the Honorable House of Delegates, requesting me to give in writing my opinion as to the legal propriety of electing a State Librarian during the present session of the Legislature, and also as to the constitutionality of increasing the salary or compensation of Clerks of Courts, Registers of Wills and other judicial officers, I have the honor to make the following communication of my views and opinions:

As to the State Librarian, the former Constitution of this State, in the 7th section of the 7th Article, made provision for the election of the State Librarian in these words:

“The State Librarian shall be elected by the joint vote of the two branches of the Legislature for two years and until his successor shall be elected and qualified.”

The present incumbent was elected under this clause on the 26th of February, 1862, pages 584, 585 and 586 of House Journal, 1861-2.

He entered upon the discharge of these duties about 1st of May, 1863, I understand, and claims to hold the office for two years therefrom, and now is holding under that election. On the 12th of January, 1864, the present incumbent was re-elected to the office of State Librarian, page 23 and 32 of the House Journal for 1864, claiming to hold for two years after the expiration of the first term, that is until May, 1867. He has also filed an official bond for this latter term in the Executive Chamber. There is no time specified in the several records of the elections of the State Librarian, when their respective terms of office commences or terminates, and it is only in a few instances stated, that they hold for a period of two years. But it appears from a contested case about this office, reported in 5 Maryland Reports 423, that the term is considered as commencing on the 23d of April, and ending on that