

Opinions to Secretary of State.

CIRCUIT JUDGES—TERM OF OFFICE OF CIRCUIT JUDGES BEGINS AND RUNS FROM DATE OF FILING OATH.

Tallahassee, Fla., June 6, 1917.

*Honorable H. Clay Crawford,
Secretary of State,
Capitol.*

Dear Sir:

I am in receipt of your inquiry as follows:

"Section 8, of Article V, of the Constitution, as amended, provides that Circuit Judges shall be appointed by the Governor and 'Confirmed by the Senate and shall hold their office for six years.' Heretofore commissions have been issued to read six years from their dates—the date of issuance being the day this office received the oath from the appointee. The failure of appointees to send in their oaths promptly after their confirmation by the Senate has caused the terms of some of the Judges to expire (according to the reading of their commissions) after the adjournment of the Senate.

"Will you please advise me whether I should issue Commissions to the Circuit Judges appointed by the Governor and confirmed by the Senate last week to read six years from the date of appointment, the date of confirmation, or the date this office receives the oath and commission tax from the appointees."

From the record of the appointments of the officers referred to it appears that the terms for which they were respectively appointed were to begin and run from the dates of the expirations of the terms of their predecessors, and the dates of such expirations are specifically mentioned.

This being the case, the terms of such appointees cannot run from the dates of the appointments or the dates of the confirmations, if it appears that the terms of office of the predecessors of such appointees had not expired when the appointments or confirmations were made, which I understand was the situation in practically all, if not all, of the instances referred to.

In this situation I would say that the proper course to pursue would be to follow the established custom mentioned in your inquiry and issue the commissions when the appointees to such offices qualify as required by law, taking care, of course, that the term of no appointee commences before the term of his predecessor expires so that there will be no conflict of authority between them.

Respectfully submitted,

T. F. WEST.

Attorney General.

ELECTIONS—WHEN PRECINCT REGISTRATION BOOKS OF PRIMARY SHOULD CLOSE.

Tallahassee, Fla., February 4, 1918.

*Hon. H. Clay Crawford,
Secretary of State,
Tallahassee, Florida.*

Dear Sir:

Your communication of the first instant duly received in which you call attention to the repugnancy between Sections 9 and 10, of Chapter 6469, Laws of 1913, as amended by Chapter 6874, Laws of 1915, which you state as follows:

“Section 9 of the Act requires Registration Books to be