

The question immediately at hand, however, remains without solution. Although Section 15 of the Ober Law is viewed as necessary for the implementation of Article XV, Section 11 of the Maryland Constitution,¹³ is the latter (constitutional) provision necessary in order to sustain the constitutionality of the former (statutory) provision? On this specific point the court in *Shub v. Simpson* is not clear.¹⁴

means of redress are ineffectual, the People may, and of right ought, to reform the old or establish a new Government; the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind."

One might assert that even an affidavit of qualification for office would offend the above-quoted constitutional declaration.

¹³ 196 Md. 177, at 190 (1950).

¹⁴ Professor Sanford Rosen of the University of Maryland School of Law is of a similar opinion (that the court's disposition of the particular question is not clear).

CONCLUSION

Since the court in *Shub v. Simpson* relied so heavily upon an equation of the purposes of Article XV, Section 11 of the Maryland Constitution, and Section 15 of the Ober Law, the implication exists that the two are interdependent. However, the court also stressed the theory that the Ober oath is not an oath at all, but rather an "affidavit of qualification for office." Under this view, the Ober Law standing alone (without Article XV, Section 11) would not contravene Article 37 of the Declaration of Rights.

There has been no relevant ruling by the attorney general.¹⁵ As yet, the question continues to compel, but lacks, a definitive answer.

¹⁵ Robert C. Murphy, Deputy Attorney General, has "no difficulty" in resolving the question: the Ober Law can stand on its own strength and does not need the support of Article XV, Section 11 of the Maryland Constitution.