

section of this Article, and who are not disqualified under the provisions of the second and third sections thereof.

The registry act of 1865, chapter 174, disfranchising those who had served in the Confederate army or had given aid and comfort thereto, and providing a test oath, held constitutional. Citizenship and suffrage are not inseparable, the latter not being an inalienable right but a conventional one; nor is the right of suffrage a right of property. Distinction between the declaration of rights and the constitution; the former does not control the latter when it is clear and unambiguous, but the latter must be taken as a limitation of the principles declared in the former. *Anderson v. Baker*, 23 Md. 618. (See also, separate and dissenting opinions in this case.)

This section makes no allusion to municipal elections in any town or city other than Baltimore City; the constitution makes a clear distinction between federal and state elections on the one hand, and municipal elections on the other. *Smith v. Stephan*, 66 Md. 388.

A count in an indictment against an officer of registration for the violation of a law passed in pursuance of this section, upheld. *Mincher v. State*, 66 Md. 232.

This section referred to in holding that the failure to appeal within the time prescribed by statute from the action of an officer of registration, may not be waived. *Cox v. Bryan*, 81 Md. 290.

This section referred to in refusing an injunction prohibiting the return of the lists of qualified and registered voters by the officers of registration; officers of registration held to be qualified. *Hardesty v. Taft*, 23 Md. 526.

This section referred to in construing article 1, section 1—see notes thereto. *Langhammer v. Munter*, 80 Md. 527.

Sec. 6. Every person elected or appointed to any office of profit or trust, under this Constitution, or under the laws, made pursuant thereto, shall, before he enters upon the duties of such office, take and subscribe the following oath or affirmation: I, ———, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ———, according to the Constitution and Laws of this State (and, if a Governor, Senator, Member of the House of Delegates or Judge). that I will not, directly or indirectly, receive the profits or any part of the profits of any other office during the term of my acting as ———.

Members of a racing commission of Harford county held not to be persons "elected or appointed to an office of profit or trust under the constitution or under the laws made pursuant thereto," within the contemplation of this section; hence they were not required, independent of statute, to take the constitutional oath before entering upon the duties of their office. *Clark v. Harford, etc., Assn.*, 118 Md. 610.

This section is mandatory. In connection with article 37 of the declaration of rights, it prohibits (save as to the comptroller and treasurer—see article 6, section 1) the legislature from prescribing any additional oath whether the office be created by the constitution or not; hence the failure of such officer to take a statutory oath does not defeat his right to the office. *Davidson v. Brice*, 91 Md. 685; *Keyser v. Upshur*, 92 Md. 728.

This section referred to in holding that where a treasurer was re-elected in January, 1888, but failed to take the oath required by this section and to give the bond required by article 6, section 1, until November, 1889, his original bond was liable for his defalcations up to the latter date. *Archer v. State*, 74 Md. 427.