

The thing which the oath prescribed by this section requires the officer to swear that he will do or refrain from doing, may be regarded as part of his duty when he has qualified. *Keyser v. Upshur*, 92 Md. 728.

A comptroller is not in office and hence not entitled to salary until he qualifies by taking the oath prescribed by this section. See notes to article 6, section 1. *Thomas v. Owens*, 4 Md. 220.

This section referred to in construing article 4, section 11, and article 5, section 2—see notes thereto. *Groome v. Gwinn*, 43 Md. 633 (concurring opinion).

For a case involving a suit on the bond of a former treasurer of Havre de Grace, see *Havre de Grace v. Fahey*, 108 Md. 533.

See notes to article 4, section 24, and to article 6, section 5.

Sec. 7. Every person hereafter elected or appointed to office in this State, who shall refuse or neglect to take the oath or affirmation of office provided for in the sixth section of this Article, shall be considered as having refused to accept the said office; and a new election or appointment shall be made, as in case of refusal to accept, or resignation of an office; and any person violating said oath shall, on conviction thereof, in a Court of Law, in addition to the penalties now or hereafter to be imposed by law, be thereafter incapable of holding any office of profit or trust in this State.

This section referred to in construing article 4, section 11, and article 5, section 2—see notes thereto. *Groome v. Gwinn*, 43 Md. 633 (concurring opinion).

See notes to article 1, section 6, and to article 6, section 5.

## ARTICLE II.

### EXECUTIVE DEPARTMENT.

Section 1. The executive power of the State shall be vested in a Governor, whose term of office shall commence on the Second Wednesday of January next ensuing his election, and continue for four years, and until his successor shall have qualified; but the Governor chosen at the first election under this Constitution shall not enter upon the discharge of the duties of the office until the expiration of the term for which the present incumbent was elected; unless the said office shall become vacant by death, resignation, removal from the State, or other disqualification of the said incumbent.

This section referred to in refusing a mandamus directing the Governor to count certain votes and to exclude certain other votes for and against the adoption of the constitution. *Miles v. Bradford*, 22 Md. 183.

This section referred to in construing article 15, section 3, and article 4, section 42—see notes to the former. *Smith v. Thursby*, 28 Md. 258.

This section referred to in construing article 2, section 15, of the constitution—see notes thereto. *Cull v. Whittle*, 114 Md. 90.

See notes to article 7, section 3, of the Md. constitution.

See articles 8, *et seq.* of the declaration of rights; see also, article 34.

As to the Governor, see article 41 of the Annotated Code.

Sec. 2. An election for Governor, under this Constitution, shall be held on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-seven, and on the same day and month