

An. Code, sec. 10. 1904, sec. 10. 1888, sec. 9. 1854, ch. 18, sec. 3.

10. The oath to be administered to a person who has an appointment which requires him to take an oath, but who is not embraced in the provisions of the aforesaid section of the constitution, shall be that he will faithfully discharge his duty, unless a different form of oath is prescribed by law or ordinance.

An. Code, sec. 11. 1904, sec. 11. 1888, sec. 10. 1852, ch. 172, sec. 5. 1854, ch. 18, sec. 9.

11. Any person, whether elected or appointed to office, who shall decline or neglect to take and subscribe the oaths prescribed by the constitution or by law or ordinance for the period of thirty days from the day when the commission of such officer has been received at the office of the respective clerks, or, in those cases in which no commission is sent to the clerks, within thirty days after receiving his commission or notice of his appointment, shall be deemed to have refused said office.

This section in so far as it conflicts with art. 20, sec. 1, has no application to constables. An appointee held to have forfeited his right to qualify as constable by his neglect to qualify within thirty days. This section does not require a written notice to be given to a person elected or appointed; notice referred to is knowledge acquired from any source; notice held sufficient. *Little v. Schul*, 118 Md. 465. And see *Levin v. Hewes*, 118 Md. 646.

Members of a racing commission for Harford County held not to come within provisions of this section. *Clark v. Harford, etc., Assn.*, 118 Md. 617.

This section indicates that commission is a prerequisite to the qualification of an officer where the law or Constitution requires one to be issued. In absence of a commission clerk has no authority to qualify. *Magruder v. Tuck*, 25 Md. 218.

This section was intended to insure prompt acceptance of office. The officers are entitled to no salary until they qualify and enter upon discharge of their duty. *Groome v. Gwinn*, 43 Md. 633.

Where an officer fails to qualify in due time under this section, the office is vacant, and Governor may fill vacancy by reappointing party failing to qualify. This section construed in connection with art. 33, sec. 1 (providing for appointment of supervisors of elections), and art. 2, sec. 13, of state Constitution. *Sappington v. Slade*, 91 Md. 644.

As to the effect of the failure to take the oath of office upon the liability of sureties, see *Laurenson v. State*, 7 H. & J. 339.

The limitation of time contained in this section has no application to officers mentioned in sec. 2. *Quære*, within what time such officers must qualify. *Harwood v. Marshall*, 9 Md. 103.

An. Code, sec. 12. 1904, sec. 12. 1888, sec. 11. 1852, ch. 172, sec. 4.

12. The clerk of the superior court and clerks of the circuit courts (who shall be entitled to a fee of ten cents for administering the aforesaid oath, to be paid by the party), shall report to the secretary of state, at least once a month, the names and offices of all officers who have taken and subscribed the same before them, respectively, which reports shall be carefully preserved by the said secretary of state; and he shall be competent to certify the character and qualification of officers equally with the aforesaid clerks.

It is not the duty of secretary of state to preserve a record of oaths and signatures of the officers. The only authority given to secretary of state by act of 1852, ch. 172, to certify, relates to class of officers named in this section. *Harwood v. Marshall*, 9 Md. 102.