

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; *State Tax Commission v. Harrington*, 126 Md. 161.

This section is mandatory. In connection with art. 37 of the Declaration of Rights, it prohibits (save as to the comptroller and treasurer—see art. 6, sec. 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 art. 6, sec. 1, until November, 1889, his original bond was liable for his defalcations up to the latter date. *Archer v. State*, 74 Md. 427.

The position of councilman of Snow Hill held to be an "office of profit and trust" within the meaning of this section; see notes to art. 35 of the Declaration of Rights. *Truitt v. Collins*, 122 Md. 530.

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 art. 6, sec. 1. *Thomas v. Owens*, 4 Md. 220.

This section referred to in construing art. 4, sec. 11, and art. 5, sec. 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.

Cited but not construed in *McCurdy v. Jessop*, 126 Md. 320.

Cited in construing art. 64A, sec. 21. *Cromwell v. Meyer* (Judges Parke & Forsythe, Circuit Court for A. A. Co.), *Daily Record*, Oct. 4, 1939.

See notes to art. 4, sec. 24, and to art. 6, sec. 5, Md. Constitution.

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 art. 4, sec. 11, and art. 5, sec. 2—see notes thereto. *Groome v. Gwinn*, 43 Md. 633 (concurring opinion).

See notes to art. 1, sec. 6, and to art. 6, sec. 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