

# CONSTITUTION OF MARYLAND.

## DECLARATION OF RIGHTS.

### Art. 5.

Right of prisoner on trial for misdemeanor punishable by death to be present when testimony being taken is absolute; no waiver by counsel. *Duffy v. State*, 151 Md. 476.

Art. 16, sec. 246 of Code, not in violation of this Article—see notes thereto. *Balto. Process Co. v. My-Coca Co.*, 144 Md. 445.

Zoning ordinance so construed as not to deny jury trial. *State v. Rutherford*, 145 Md. 370.

### Art. 8.

Act 1927, ch. 224 (see art. 5, sec. 12, of Code), valid and not inconsistent with rules of court. *Savage Mfg. Co. v. Magne*, 154 Md. 54.

To last note to this section on page 47, vol. 1, of Code, add *Mattare v. Cunningham*, 148 Md. 313.

### Art. 15.

Portion of this article *re* taxes being uniform as to land within taxing district does not apply to special assessments. Assessment upon particular property should be measured by benefit to it; supplementary construction or improvement. *Sanitary Commission v. Noel*, 155 Md. 446 (dissenting opinion).

Legislature may put cost of public improvements primarily on abutting properties, and secondly on all taxpayers in district, and thirdly upon all taxpayers of political unit. Act creating Metropolitan District of Baltimore County, valid. *Dinneen v. Rider*, 152 Md. 365.

This article referred to in holding art. 56, sec. 183, of Code, constitutional—see notes thereto. *Grossfield v. Baughman*, 148 Md. 334.

This article referred to—see notes to art. 11A, sec. 1, of Constitution. *Gaither v. Jackson*, 147 Md. 666.

### Art. 21.

This article referred to in passing upon the functions of grand jury; criticism of public officials; power exceeded. *In re Report of Grand Jury*, 152 Md. 623.

### Art. 22.

Notwithstanding this article, books and papers would have been evidence if they had contained entries within period of limitations, or if there had been evidence of overt acts within such period. *Archer v. State*, 145 Md. 142.

This article referred to in discussing whether evidence illegally secured was admissible in criminal case. *Meisinger v. State*, 155 Md. 202 (dissenting opinion).

Provision of this article *re* refusal of traverser to testify not violated by proving what he voluntarily testified to at former trial. *Henze v. State*, 154 Md. 346.

To 4th note to this article, page 57, vol. 1, of Code, add *Archer v. State*, 145 Md. 142; *Meisinger v. State*, 155 Md. 202 (dissenting opinion).

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Ch. 317 of acts of 1929 provides for taking of the sense of the voters at the November election in 1930, as to the calling of a convention to alter the Constitution or frame a new one in accordance with the provisions of art. 14, sec. 2, of the Constitution as modified by art. 17, sec. 9, of the Constitution.