breach of promise of marriage, no verdict shall be permitted to be recovered, nor shall any judgment or decree be entered upon the testimony of the plaintiff alone; but in all such cases testimony in corroboration of that of the plaintiff shall be necessary.

Where the traverser voluntarily becomes a witness but remains silent as to pertinent matters, the state's attorney is entitled to comment before the jury upon his silence and other conduct on the witness stand. Brashears *v.* State, 58 Md. 567.

In a prosecution for bigamy, the first wife of the accused is a competent witness against him under this section, though she can not be compelled to testify. Richardson *v.* State, 103 Md. 117.

The portion of section 1 making parties and their wives and husbands "competent and compellable to give evidence," applies to civil cases only; this is true notwithstanding the repeal by the act of 1876, ch. 357, of the third section of the act of 1864, ch. 109. Turpin *v.* State, 55 Md. 475; Classen *v.* Classen, 57 Md. 511. And see Davis *v.* State, 38 Md. 65 (dissenting opinion).

Under the act of 1864, ch. 109, an accessory before the fact was incompetent to testify for a principal felon, and this is true although they were indicted and tried separately. Davis *v.* State, 38 Md. 49 (*cf.* dissenting opinions, pages 57 and 64).

In a divorce case where the only testimony corroborating the plaintiff is that of a witness who gives it as her opinion that the separation is deliberate and final, but who states no facts as a basis for such opinion, such corroboration is not sufficient. This section construed in connection with article 16, section 37. Twigg *v.* Twigg, 107 Md. 677. And see Goodhues *v.* Goodhues, 90 Md. 292.

As to divorce and the effect of an admission by the defendant, see art. 16, sec. 36, *et seq.*

1904, art. 35, sec 5. 1888, art. 35, sec. 4. 1860, art. 37, sec. 4. 1864, ch. 109, sec. 4.

5. In all cases where a party to any suit, action or other proceeding shall be examined by any opposing party the testimony given on said examination may be rebutted by adverse testimony and by proof of admissions made by the party so examined.

Where the plaintiff examines a defendant and fails to rebut his evidence by adverse testimony, such evidence is binding upon the plaintiff. Morris *v.* Hazelhurst, 30 Md. 366.

This section does not alter the rules of evidence except as stated therein. The effect of the proof when offered is governed by the common law rules of evidence. Mason *v.* Poulson, 43 Md. 177.

This section applied. Turnbull *v.* Maddux, 68 Md. 589. And see Mason *v.* Poulson, 40 Md. 366.

Ibid. sec. 6. 1888, art. 35, sec. 5. 1864, ch. 109, sec. 5, sub-sec. 1.

6. In all cases it shall be competent for any of the parties to the proceedings to prove by legal evidence any facts showing the interest of any witness in the matter in controversy, or in the event of the suit or the conviction of such witness of any infamous crime, and in order to prove such conviction it shall not be necessary to produce the whole record of proceedings containing such conviction, but the certificate, under seal of the clerk of the court wherein such proceedings were had, stating the fact of the conviction and for what crime shall be sufficient.

The application of the portion of this section relative to the impeachment of a witness by proof that he had been convicted of an infamous crime, pointed out. Richardson *v.* State, 103 Md. 118.