

This section referred to in construing art. 93, sec. 93, and art. 35, sec. 51: *Bogart v. Willis*, 158 Md. 401.

Cited but not construed in *Hart v. Vogel*, 159 Md. 146; *Scher v. Becker*, 163 Md. 204.

4.

Provision of this section *re* refusal of traverser to testify not violated by proving what he voluntarily testified to at former trial. *Henze v. State*, 154 Md. 346. Plaintiff's evidence of wife's misconduct being uncorroborated, disregarded. *Lang v. Lang*, 155 Md. 472.

No divorce on husband's testimony as to wife's misconduct before marriage, unknown to him, unless corroborated; this section does not apply to proceeding for separate maintenance. *Wiegand v. Wiegand*, 155 Md. 645.

This section referred to in dismissing bill for divorce—see notes to art. 16, sec. 39. *Proudfoot v. Proudfoot*, 154 Md. 586.

This section referred to in holding proof insufficient for divorce *a mensa*. *Oertel v. Oertel*, 145 Md. 178.

Corroboration necessary in suit for alimony; proof sufficient. *Silverberg v. Silverberg*, 148 Md. 691.

Corroboration necessary for divorce on ground of abandonment; proof insufficient. *Owings v. Owings*, 148 Md. 127.

If this section is applicable to proceedings by wife for separate maintenance, the corroboration need be but slight, for the nature of the proceeding's such as to exclude the idea of collusion (unreported case). *Engelberth v. Engelberth*, 159 Md. 700.

Corroboration need be but slight when whole case precludes possibility of collusion. *Appel v. Appel*, 162 Md. 5.

Cited but not construed in *Sheehan v. Sheehan*, 156 Md. 661; *Bowersox v. Bowersox*, 157 Md. 479.

1929, ch. 194.

4A. No evidence in the trial of misdemeanors shall be deemed admissible where the same shall have been procured by, through, or in consequence of any illegal search or seizure or of any search and seizure prohibited by the Declaration of Rights of this State; nor shall any evidence in such cases be admissible if procured by, through or in consequence of a search and seizure, the effect of the admission of which would be to compel one to give evidence against himself in a criminal case.

Where defendant arrested for participation in a lottery business, gave permission to police officer to drive his car to station house, held that papers and books found on floor of car and taken possession of, were not procured by illegal search or seizure. *Heyward v. State*, 161 Md. 694.

Where police officer, suspecting violation of lottery law, entered home of defendant through open door, and without search warrant or warrant for defendant's arrest, took possession of slips of paper, money, etc., found in the room, held such articles were procured by illegal search and seizure and inadmissible as evidence under this section. *Gorman v. State*, 161 Md. 700.

Lottery tickets, delivered without coercion, by defendant to police officer, as he was being lawfully arrested for possession of such tickets, were not procured by illegal search and seizure so as to be inadmissible under this section. *Blager v. State*, 162 Md. 665.

This section has no application where person at time of arrest was engaged in the commission of a crime. If misdemeanor is committed in presence of officer charged with enforcement of the law, he is authorized, without warrant, to arrest offender and as incident to arrest, to search his person and to seize and search the immediate and present evidence and instrument of his crime; selling intoxicating liquors. *Callahan v. State*, 163 Md. 300.

Only those whose rights have been disturbed by illegal search or seizure may object, under this section, to all evidence procured by illegal search or seizure; telephone conversation may be admissible. *Baum v. State*, 163 Md. 153.

See art. 27, sec. 285V.