

58 Md. 295; Kerby *v.* Kerby, 57 Md. 359; Simmons *v.* Haas, 56 Md. 165; Spencer *v.* Almoney, 56 Md. 561; Bantz *v.* Bantz, 52 Md. 691; Sangston *v.* Hack, 52 Md. 201; Hardy *v.* Chesapeake Bank, 51 Md. 596; Wright *v.* Gilbert, 51 Md. 155; Standford *v.* Horwitz, 49 Md. 529; First National Bank *v.* Eccleston, 48 Md. 157 (*cf.* dissenting opinion, p. 164); Orendorff *v.* Utz, 48 Md. 304; Graves *v.* Spedden, 46 Md. 538; Lyon *v.* George, 44 Md. 299; Spencer *v.* Trafford, 42 Md. 17; McKaig *v.* Hebb, 42 Md. 231; Sanborn *v.* Lang, 41 Md. 115; Murray *v.* Cannon, 41 Md. 475; Pairo *v.* Vickery, 37 Md. 488; Downes *v.* Maryland and Delaware R. R. Co., 37 Md. 104; Jones *v.* Jones, 36 Md. 457; Leiter *v.* Grimes, 35 Md. 438; Miller *v.* Motter, 35 Md. 432; McKaig *v.* Piatt, 34 Md. 259; Billingslea *v.* Ward, 33 Md. 53; Johnson *v.* Heald, 33 Md. 368; Schull *v.* Murray, 32 Md. 17; Cannon *v.* Crook, 32 Md. 486; Smith *v.* Wood, 31 Md. 296; Williams *v.* Higgins, 30 Md. 407; Cooke *v.* Cooke, 29 Md. 550; Neidig *v.* Whiteford, 29 Md. 184.

This section referred to in construing secs. 1 and 4—see notes thereto. Turpin *v.* State, 55 Md. 475. And see Davis *v.* State, 38 Md. 57 (dissenting opinion).

Purpose and intent of evidence acts. Grove *v.* Funk, *et al.*, 131 Md. 694.

Cited but not construed in Schley *v.* Merritt, 37 Md. 358; Taylor *v.* Hill, 36 Md. 501; Elosser *v.* Fletcher, 126 Md. 251.

An. Code, 1924, sec. 4. 1912, sec. 4. 1904, sec. 4. 1888, sec. 3. 1864, ch. 109, sec. 3. 1876, ch. 357. 1888, ch. 545.

4. In the trial of all indictments, complaints and other proceedings against persons charged with the commission of crimes and offenses, and in all proceedings in the nature of criminal proceedings in any court of this State, and before a justice of the peace or other officer acting judicially, the person so charged shall at his own request, but not otherwise, be deemed a competent witness; but the neglect or refusal of any such person to testify shall not create any presumption against him. In all criminal proceedings the husband or wife of the accused party shall be competent to testify; but in no case, civil or criminal, shall any husband or wife be competent to disclose any confidential communication made by the one to the other during the marriage; and in suits, actions, bills or other proceedings instituted in consequence of adultery, or for the purpose of obtaining a divorce, or for damages for 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.

Improper for State's Attorney to remark that defendant had failed to testify but remark not sufficient to warrant mistrial in view of instruction of court. Smith *v.* State, 169 Md. 474.

Where there is no appearance of collusion, little corroborative evidence is required in proceeding for divorce. Roeder *v.* Roeder, 170 Md. 579.

This section held not to prohibit impeaching a defendant in a civil case by cross-examination on his silence at any previous time. Allen *v.* State, 173 Md. 653.

This section referred to in construing Art. 16, Sec. 41. Bonwit *v.* Bonwit, 169 Md. 194.

Cited in construing Art. 15, Sec. 5 of Md. Constitution. Wilkerson *v.* State, 171 Md. 287.

Evidence secured by tapped wires admissible, but parties involved must be identified. Rowan *v.* State, Daily Record, Jan. 27, 1939.

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. 41. 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; Jacobs *v.* Jacobs, 170 Md. 405.