

If this section is applicable to proceedings by wife for separate maintenance, the corroboration need be but slight, for the nature of the proceeding is 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.

Cited in *Faulkner v. Faulkner*, Daily Record, Feb. 15, 1939.

Where there is no possibility of collusion the corroboration required by this section in divorce cases need be slight. Abandonment made out. *Heinmuller v. Heinmuller*, 133 Md. 494.

A divorce will not be granted on the ground of cruelty where plaintiff's evidence is not corroborated. *Dicus v. Dicus*, 131 Md. 88.

Where 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 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 cannot be compelled to testify. *Richardson v. State*, 103 Md. 117.

The portion of sec. 1 making parties and their wives and husbands "competent and compellable to give evidence," applies to civil cases only; this is true notwithstanding repeal by act of 1876, ch. 357, of third section of 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 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 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 art. 16, sec. 40. *Twigg v. Twigg*, 107 Md. 677. And see *Goodhues v. Goodhues*, 90 Md. 292.

The portion of this section providing for the corroboration of the plaintiff's testimony in a suit for divorce, held to prevent a decree. *Tomkey v. Tomkey*, 130 Md. 295; *Rodgers v. Rodgers*, 142 Md. 561.

See art. 22 of the Declaration of Rights.

Cited in *Timanus v. Timanus*, Daily Record, Jan. 15, 1940.

As to divorce and the effect of an admission by the defendant, see art. 16, sec. 38, *et seq.*

1929, ch. 194.

5. 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.

Evidence as to lottery tickets secured in search of liquor store in accordance with provisions of Secs. 13 and 45 of Art. 2B may not be suppressed under this section. *Wright v. State*, Daily Record, Dec. 5, 1939.

This section referred to in holding that conversations heard over the telephone in reference to bets on races, by interception of line by employee of Telephone Co. not called as witness, were inadmissible under the facts shown by the record. *Rowan v. State*, 175 Md. 559.

Where officer saw person's conduct and circumstances indicating that person was violating gambling laws, held it was his duty to make arrest and seize articles in visible use in commission of crime. *Silverstein v. State*, Daily Record, May 27, 1939.

Cited in construing Art. 27, Secs. 306 and 307. *State v. Allen* (Judge Niles, Criminal Court of Baltimore), Daily Record, Oct. 20, 1939.

Cited in holding a search warrant issued under Sec. 306, Art. 27, void. *State v. Richman*, (Judge Niles, Criminal Court of Baltimore), Daily Record, Sept. 30, 1939.

This section referred to in construing Art. 27, Sec. 27. *Sugarman v. State*, 173 Md. 60. Motion to suppress evidence alleged to have been obtained by illegal search of defendant's house should not be received and ruled on before trial. *State v. Mariana*, 174 Md. 85.

This section does not prohibit the introduction of evidence obtained by the interception of telephone messages, known as wire tapping. *Hitzelberger v. State*, 174 Md. 165.

Where Federal officers detected smell of burning opium, and from other observations, had reasonable grounds for believing statute was being violated, held they were author-