

ized to enter and make arrests and seize opium without warrant. *U. S. v. Sam Chin*, 24 F. Supp. 14.

This section applied in *Miller v. State*, 174 Md. 362.

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. 352.

1931, ch. 398.

6. Any presumption of the law that an offense committed by a wife in the presence of her husband is committed under the coercion of the husband is hereby abolished, but on a charge against a wife, for any offense other than treason or murder it shall be a good defense for her to prove that the offense was committed in the presence of, and under the coercion of, the husband.

1939, ch. 333.

7. In the trial of any civil suit, action or proceeding, no evidence shall be admissible to prove that any party thereto neglected or refused to testify in any criminal proceeding involving the same transaction, occurrence or subject matter.

An. Code, 1924, sec. 5. 1912, sec. 5. 1904, sec. 5. 1888, sec. 4. 1864, ch. 109, sec. 4. 1939, ch. 380.

8. In any suit, action or proceeding at law or in equity in any Court of this State, any party may call as a witness any adverse party or any officer, director or managing agent of a public or private corporation or of partnership or association which is an adverse party, and interrogate him by leading questions and contradict and impeach him in all respects as if he had been called by the adverse party.¹

When a defendant calls plaintiff as a witness, former is bound by latter's evidence except as provided by this section. Evidence inadmissible on cross examination. *Murphy v. Stubblefield*, 133 Md. 30.

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

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

This section applied. *Turnbull v. Maddox*, 68 Md. 539. And see *Mason v. Poulson*, 40 Md. 366.

The application of this section pointed out. *Cacy v. Slay*, 127 Md. 500.

¹ Sec. 2, ch. 380, 1939, provided that said Act shall apply to all proceedings, on and after June 1, 1939, whether then pending or thereafter filed.