

If the law under which a condemnation is had, provides for an original assessment or award and for a jury trial on appeal therefrom, this article and art. 3, sec. 40, of the Maryland Constitution, have been complied with. *Steuart v. Baltimore*, 7 Md. 511.

The act of 1878, ch. 415, sec. 10, conferring jurisdiction upon justices of the peace to try and commit to the house of correction vagrant and disorderly persons, is constitutional. Design of this article. The crimes which this article provides for a jury trial of, are such crimes as have by the regular course of the law and the established modes of procedure as theretofore practiced, been the subjects of jury trial. *State v. Glenn*, 54 Md. 599. *Cf. Danner v. State*, 89 Md. 225.

Art. 26, sec. 9, of the An. Code, referred to in holding that the constitutional right of jury trial is not infringed by the compulsory appointment of an auditor in an action of law involving intricate accounts, with a view to his making a report which will simplify issues for the jury. Power to appoint auditor inherent in district court as a trial court. Limitations on right of jury trial. *Matter of Walter Peterson*, 253 U. S. 308.

Right of prisoner on trial for misdemeanor punishable by death to be present when testimony being taken is absolute; no waiver by counsel. *Duffy v. State*, 151 Md. 476.

Art. 16, sec. 255 of Code, not in violation of this article—see notes thereto. *Balto. Process Co. v. My-Coca Co.*, 144 Md. 445.

Zoning ordinance so construed as not to deny jury trial. *State v. Rutherford*, 145 Md. 370.

Generally.

This article held to be a conclusive answer to an objection that the lottery commissioner had no right to file a bill of discovery in aid of a suit at law. *Broadbent v. State*, 7 Md. 429.

The acts of 1838, ch. 205, and 1845, ch. 176, extending the time of notice of the filing of a mechanics lien claim, and the act of 1845, ch. 346, extending the first mentioned acts to Howard district, held under this article and under art. 13 (as they stood in the Constitution of 1851), to have been extended to Howard county. *Pue v. Hetzell*, 16 Md. 539. And see *State v. Manly*, 1 Md. 139.

In the light of this article as it stood in the Constitution of 1851, the act of 1845, ch. 352, requiring usury to be specially pleaded, etc., held (in 1859) to be still in force. *Bandell v. Isaac*, 13 Md. 222.

The registry act of 1865, ch. 174, disfranchising those who had been in the Confederate army and requiring a test oath, thought to be in plain conflict with this article. *Anderson v. Baker*, 23 Md. 573 (dissenting opinion).

Sec. 248 of art. 16 of the An. Code, providing that where property is resold at the risk of a defaulting purchaser, the court may direct any deficit to be paid by such purchaser, held not to violate this article. *Capron v. Devries*, 83 Md. 224.

This article referred to in upholding the right of a court to hear and decide (without a jury) a motion to quash an attachment. *Howard v. Oppenheimer*, 25 Md. 365.

This article referred to in upholding the power of the general assembly to pass an act of divorce. *Wright v. Wright's Lessee*, 2 Md. 452 (decided prior to the Constitution of 1867—see art. 3, sec. 33, thereof).

This article referred to in discussing a prayer to take a case from the jury on the ground of the insufficiency of the evidence. *Kagel v. Totten*, 59 Md. 453.

This article referred to in construing art. 15 of the Declaration of Rights—see notes thereto. *State v. C. & P. R. R. Co.*, 40 Md. 63 (dissenting opinion).

This article referred to in construing art. 24 of the Bill of Rights and art. 3, sec. 33, of the Maryland Constitution—see notes thereto. *Brown v. State*, 23 Md. 507.

This article referred to in construing art. 19 of the Declaration of Rights and art. 15, sec. 6, of the Maryland Constitution—see notes to the latter. *Knee v. City Passenger Ry. Co.*, 87 Md. 624.

This article referred to in construing art. 4, sec. 11, and art. 5, sec. 2—see notes thereto. *Groome v. Gwinn*, 43 Md. 631 (concurring opinion).

This article referred to in construing art. 15, sec. 3, and art. 4, sec. 42—see notes to the former. *Smith v. Thursby*, 28 Md. 270 (dissenting opinion).

This article referred to in construing art. 4, sec. 19, of the Constitution of 1851—see notes to art. 4, sec. 42. *Baltimore v. State*, 15 Md. 483.

Cited but not construed in *Worthington v. State*, 58 Md. 409.

This article has no application to Workmen's Compensation Law, which abrogates common law causes of actions and grounds of defense. *Branch v. Indemnity Ins. Co.*, 156 Md. 483.

This article cited in dissenting opinion in *In re Rickell's Estate*, 158 Md. 665.

This article referred to in construing art. 27 and sec. 676 of art. 27 of the Code. *Price v. Hitaffer*, 164 Md. 510.

Cited but not construed in *Safe Dep. & Tr. Co. v. Tait*, 54 Fed. (2nd), 388.

This Article referred to in construing Art. 11, Sec. 97 of the Code. *Allender v. Ghingher*, 170 Md. 167.

See notes to Art. 15, Sec. 5 of the Md. Constitution.

See art. 20 of the Declaration of Rights, and art. 4, sec. 8, and art. 15, sec. 6, of the Maryland Constitution and notes to the latter.