

held valid and not in conflict with this article. See notes to art. 81, secs. 178 and 180. *Leser v. Lowenstein*, 129 Md. 249; *Jones v. Broening*, 135 Md. 242.

A seat on the Baltimore stock exchange is not "property" within the meaning of this article, and hence is not taxable. *Baltimore v. Johnson*, 96 Md. 738.

Compulsory labor of persons residing in a county for the purpose of keeping the roads in repair, with the privilege of providing a substitute or the payment of a sum in lieu thereof, is not "a levy of taxes by the poll" within the meaning of this article. History of this article. *Short v. State*, 80 Md. 398.

The clause in the act of 1880, ch. 444 (repealing a certain portion of the collateral inheritance tax law), providing that the act should apply to all cases of the particular collateral inheritance tax repealed, "heretofore claimed of, but not actually paid," etc., held not to violate this article. See art. 81, sec. 105, *et seq.*, of the An. Code. *Montague v. State*, 54 Md. 488.

The only express prohibition in the United States Constitution on the taxing power of the state is that the states are prohibited (art. 1, sec. 10), save with the consent of congress, from laying any imposts or duties on imports or exports and from imposing any duty on tonnage. *Howell v. State*, 3 Gill, 25.

This article referred to in deciding that the county commissioners of Garrett county had authority to authorize the plaintiff to compile abstracts of title of unassessed lands in the county, and that the plaintiff was entitled to compensation therefor. *Tasker v. Garrett County*, 82 Md. 153.

This article referred to in construing art. 3, sec. 51, of the Maryland Constitution—see notes thereto. *Hopkins v. Baker*, 78 Md. 370.

Cited but not construed in *Foote v. Claggett*, 116 Md. 232; *Franklin v. State*, 12 Md. 246. Ch. 185, Acts of 1937, providing for transportation of children attending private or parochial schools in Baltimore County, does not violate this Article. Board of Education *v. Wheat*, 174 Md. 319.

See art. 3, sec. 51, and notes to art. 3, sec. 33, Md. Constitution. See notes to art. 56, sec. 279, and art. 81, sec. 19.

Art. 16. That sanguinary Laws ought to be avoided as far as it is consistent with the safety of the State; and no Law to inflict cruel and unusual pains and penalties ought to be made in any case, or at any time, hereafter.

A sentence of ten years in the penitentiary for placing a bomb, which explodes, in a dwelling house is not open to constitutional objection. *Lanasa v. State*, 109 Md. 610.

A sentence "to be whipped seven lashes" is not "a cruel and unusual" penalty within the meaning of this article. See art. 25 and notes. *Foote v. State*, 59 Md. 266.

This article referred to in construing the words "cruel and unusual punishment" in the eighth amendment of the Constitution of the United States. *Weems v. United States*, 217 U. S. 393 (dissenting opinion).

The provisions of this Art. and Art. 25 are advisory only. *Kirschgessner v. State*, 174 Md. 195.

See art. 25 (D. of R.) and notes. and art. 27, sec. 17, An. Code.

Art. 17. That retrospective laws, punishing acts committed before the existence of such Laws, and by them only declared criminal are oppressive, unjust and incompatible with liberty; wherefore, no *ex post facto* Law ought to be made; nor any retrospective oath or restriction be imposed or required.

Ex post facto laws.

There is no provision in Constitution of Maryland against retroactive laws except those imposing a criminal penalty. *Match Co. v. State Tax Comm.*, 175 Md. 241.

This article by its terms is confined to retrospective criminal laws, meaning *ex post facto* laws. The act of 1845, ch. 352, regulating the plea of usury—see art. 49, sec. 5, An. Code—held valid. Where a statute is open to the interpretation, it will be construed to operate prospectively. *Baughner v. Nelson*, 9 Gill, 303; *Wilson v. Hardesty*, 1 Md. Ch. 66; *Hagerstown v. Sehner*, 37 Md. 198. And see *Grove v. Todd*, 41 Md. 644.

The act of 1894, ch. 108, repealing and re-enacting art. 12, secs. 2 and 5, of the Code of 1888, title "Bastardy," held not to violate this article. Every law that changes a punishment and inflicts a greater punishment than the law annexed to the crime when it was committed, is *ex post facto*. *Lynn v. State*, 84 Md. 78.

An act of assembly is not invalid merely because it is retrospective or made applicable to pre-existing cases; such laws are valid unless they impair the obligation of a contract or are *ex post facto* within the meaning of the Constitution of the United States or of this article. The act of 1872, ch. 272, repealing and re-enacting art. 16, secs. 40 and 41, of the An. Code, so as to give the court the power in certain cases to prohibit a divorcee from marrying again in the lifetime of the former husband or