

The registry act of 1865, ch. 174, disfranchising those who had been in the Confederate army and requiring a test oath, held not to be in violation of this article—see note to art. 1, sec. 1, of the Constitution. *Anderson v. Baker*, 23 Md. 611, 590 and 585.

For cases dealing with this article as it stood in the Constitution of 1851, but no longer applicable by reason of changes in this article, see *Day v. State*, 7 Gill, 325; *Broadbent v. State*, 7 Md. 427. And see *Blum v. State*, 94 Md. 381.

Cited but not construed in *Davis v. State*, 38 Md. 70 (dissenting opinion).

Notwithstanding this article, books and papers would have been evidence if they had contained entries within period of limitations, or if there had been evidence of overt acts within such period. *Archer v. State*, 145 Md. 142.

This article referred to in discussing whether evidence illegally secured was admissible in criminal case. *Meisinger v. State*, 155 Md. 202 (dissenting opinion).

Provision of this article *re* refusal of traverser to testify not violated by proving what he voluntarily testified to at former trial. *Henze v. State*, 154 Md. 346.

This Article 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.

Improper for State's Attorney to remark that defendant had not testified but remark not sufficient to warrant mistrial in view of instructions of Court. *Smith v. State*, 169 Md. 474.

Cited in *Hitzelberger v. State*, 174 Md. 165.

Cited in construing Art. 2B, Secs. 13 and 45. *Miller v. State*, 174 Md. 370.

See art. 35, sec. 4, *et seq.*, of the An. Code.

Art. 23. That no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the Land.

Law of the land.

Accused may waive right of trial by jury. *Rose v. State*, Daily Record, Jan. 31, 1940.

The act of 1878, ch. 415, sec. 10, conferring jurisdiction upon justices of the peace to try and commit vagrant and disorderly persons to the house of correction, is constitutional. Design of this article. *State v. Glenn*, 54 Md. 599. And see *State v. Loden*, 117 Md. 385; *Lancaster v. State*, 90 Md. 215. *Cf. Danner v. State*, 89 Md. 225.

The power conferred upon the managers of the house of refuge by art. 27, sec. 716, of the Code, is in nowise in conflict with the Declaration of Rights or the Constitution of Maryland. *Roth v. House of Refuge*, 31 Md. 334.

The phrase "the law of the land" means the same as "due process of law" in the Federal Constitution. The Workmen's Compensation Law of Maryland held constitutional and valid. See notes to art. 101, sec. 14. *Solvuca v. Ryan & Reilly Co.*, 131 Md. 270.

The legislature has no power to confer on courts of equity the jurisdiction to determine legal rights in regard to which courts of law exercise exclusive jurisdiction. The act of 1888, ch. 473, limited. *McCoy v. Johnson*, 70 Md. 492.

Sec. 248 of art. 16, 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.

Legislation of the class of art. 16, sec. 261, An. Code—see notes thereto—does not violate this article and is free from constitutional objection. *Cummings v. Wildman*, 116 Md. 312.

The act of 1845, ch. 253, empowering the Allegany county court sitting in equity to decree in a suit therein pending the partition of certain real estate, etc., held not to violate this article. Acts of the legislature are presumed to be constitutional. *Davis v. Helbig*, 27 Md. 462.

The act of 1896, ch. 246—see art. 93, sec. 243, of the An. Code—authorizing the grant of letters upon estates of persons absent or unheard of for above seven years, held to violate this article. *Savings Bank v. Weeks*, 103 Md. 605.

The act of 1825, ch. 190, purporting to abolish the corporation known as "The Regents of the University of Maryland," and to appoint trustees composed of different persons, and to transfer to the latter all the franchises and property of the corporation, held to be in violation of this article. Meaning of the term "Law of the Land." It is difficult to perceive how an unconstitutional act can be made constitutional and valid by a subsequent acquiescence in it. *University of Maryland v. Williams*, 9 G. & J. 410. And see *Daly v. Morgan*, 69 Md. 476 (dissenting opinion).

The acts of 1890, ch. 73, and 1904, ch. 141, the manifest object of which was to divest and postpone the vested rights and interests of certain contributors to a jockey club acquired under the act of 1870, ch. 89, and to give priority to certain debts of the club, held to violate this article. *Md. Jockey Club v. State*, 106 Md. 413.

The act of 1793, ch. 30, giving the appellant a summary process by execution, in the nature of an attachment, against its debtors who have in writing made notes, etc., drawn by them negotiable at the bank, held not to violate this article. *Bk. of Columbia v. O'Kelly*, 4 Wheat. 235.