

publish his sentiments on all subjects, being responsible for the abuse of that privilege.

The liberty of the press guaranteed by this article is a right belonging to everyone to publish whatever he pleases without the interference of the government, he being alone responsible for the abuse of the privilege. The proprietor of a newspaper is not exempt from liability for libel. Distinction between fair and legitimate discussion of the conduct of a public man and the imputation of corrupt motives. Action of libel; malice. *Negley v. Farrow*, 60 Md. 176.

This article referred to in discussing the jurisdiction of the chancellor over infants. *Corrie's case*, 2 Bl. 503.

This article referred to in discussing meaning of term "citizen"—see notes to Code, art. 25, sec. 144. *Fitzwater v. Hydro-Elec. Corp.*, 149 Md. 466.

See notes to art. 26, sec. 4, of Code.

See art. 35, sec. 2, of the An. Code.

Art. 41. That monopolies are odious, contrary to the spirit of a free government and the principles of commerce, and ought not to be suffered.

To constitute a monopoly there must be a grant by the state to one or several of a sole right, that is, a right to the exclusion of all others. Art. 27, sec. 170, prohibiting the sale or manufacture of oleomargarine, held valid. *Wright v. State*, 88 Md. 443.

Act 1868, ch. 187, incorporating the Broadway, etc., Ferry Company, and authorizing it to use a certain wharf in common with others, held not to violate this article. *Broadway, etc., Ferry Co. v. Hankey*, 31 Md. 349.

This article referred to in construing art. 3, sec. 33, of Constitution, and art. 23, sec. 345, of Code. See notes thereto. *Littleton v. Hagerstown*, 150 Md. 171 (*cf.* dissenting opinion).

Cited but not construed in *Parlett, etc., v. Tidewater Lines*, 164 Md. 411.

This Article referred to in holding invalid Ch. 593, Acts of 1935, relative to publishing certain notices in certain limited newspapers in Montgomery County. *Raney v. Montgomery County*, 170 Md. 183.

Referred to in holding Art. 83, Secs. 102-110 valid. *Goldsmith v. Mead Johnson & Co.*, Daily Record, July 1, 1939.

Art. 42. That no title of nobility or hereditary honors ought to be granted in this State.

Art. 43. That the Legislature ought to encourage the diffusion of knowledge and virtue, the extension of a judicious system of general education, the promotion of literature, the arts, sciences, agriculture, commerce and manufactures, and the general amelioration of the condition of the people.

This article seems to have been intended to impress upon the legislature the necessity of exercising for the public good the various powers which it possesses. This article referred to in construing art. 8, sec. 1, of the Md. Constitution—see notes thereto. *Clark v. Md. Institute*, 87 Md. 663.

Cited in dissenting opinion in *Board of Education v. Wheat*, 174 Md. 336.

See art. 77 of the An. Code.

Art. 44. That the provisions of the Constitution of the United States, and of this State, apply as well in time of war as in time of peace; and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government and tends to anarchy and despotism.

This article referred to in construing art. 3, secs. 29 and 32, Md. Constitution—see notes thereto. *McPherson v. Leonard*, 29 Md. 392 (dissenting opinion).

Cited but not construed in *Kenly v. Bldg. Asso.*, 166 Md. 190.

This article referred to in sustaining validity of chs. 56 and 57 of Special Session of 1933, modifying certain remedies of foreclosure of mortgages. *Mortgage Co. v. Matthews*, 167 Md. 389.

Art. 45. This enumeration of Rights shall not be construed to impair or deny others retained by the People.

This article referred to in holding art. 56, sec. 159, of Code, constitutional—see notes thereto. *Grossfield v. Baughman*, 148 Md. 334.