

for contempt by summary conviction. It went on to say that the Act of 1853 did not confer jurisdiction, but was merely declaratory of the common law.

Later decisions indicate that the list of punishable acts in Art. 26, §4 is not limiting on the courts, and also is not all-inclusive as a statement of the common law; Weaver v. State, 244 Md. 640 (1966). Moreover, it would be unconstitutional for the legislature to attempt to strip the courts of their inherent contempt power; Baltimore Radio Show v. State, 193 Md. 300 (1949).

It is clear that Art. 26, §4 refers only to direct contempts, but the legislature has not attempted to define the limits of constructive contempt, even if it has the power to do so; Hitzelberger v. State, 173 Md. 435 (1938).

The line of cases rejecting the legislature's ability to limit the exercise of contempt power, or at least judicial statements reiterating that view, have continued up to the present; see, e.g. Kandel v. State, 252 Md. 668 (1969); McDaniel v. McDaniel, 256 Md. 684 (1970); Goldsborough v. State, 12 Md. App. 346 (1971); Muskus v. State, 14 Md. App. 348 (1972); and Roll & Scholl v. State, 15 Md. App. 31 (1972).

In view of this case law, Art. 26, §4 is misleading in form and probably of little real benefit. The revision commission concluded that equal usefulness would be a simple statement of contempt power and a reference to the Md. Rules. Subtitle P of those Rules spells out contempt procedure; see also Subtitle P, Md. District Rules. Naturally, the repeal of Art. 26, §4 is not intended and will not remove any act listed in the section from the category of acts punishable as contempts.

Because of the definition of "court" in §1-101(c), the contempt power of the District Court is recognized, thus