

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, chapter 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inheritance tax law), providing that the act should apply to all cases of the particular collateral inheritance tax repealed, "heretofore claimed of, but not actually paid," etc., held not to violate this article.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 article 81, section 120, *et seq.*, of the Annotated 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 (article 1, section 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 article 3, section 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.

See article 3, section 51, of the Maryland constitution.

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 article 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).

See article 25 and notes.

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.**

This article by its terms is confined to retrospective criminal laws, meaning *ex post facto* laws. The act of 1845, chapter 352, regulating the plea of usury—see article 49, section 5—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, chapter 108, repealing and re-enacting article 12, sections 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 punish-