

The statute of 29th Char. II (statute of frauds), held to be in force in Maryland by virtue of this article. This article referred to in deciding that an agreement to marry after the expiration of three years, need not be in writing. *Lewis v. Tapman*, 90 Md. 302.

Jury trial.

As a general rule, for any criminal offense for which a person is liable to infamous punishment, a trial by jury may not be denied; confinement in the penitentiary is infamous punishment. The right of parties charged with capital or infamous crimes is more extensive than in civil controversies or in prosecutions for misdemeanors of minor importance. Meaning of the term "law of the land." Jurisdiction cannot be conferred by consent. What does not amount to a "waiver" of the constitutional right to a jury trial. The act of 1896, chapter 128, providing that in certain counties justices of the peace should have concurrent jurisdiction with circuit courts for the trial of petit larceny, if neither the traverser nor the state's attorney when before the justice prays a jury trial, held unconstitutional in so far as it conferred jurisdiction upon justices of the peace in cases of petit larceny. *Danner v. State*, 89 Md. 225.

If the law under which a condemnation is had, provides for an original assessment or award and for a jury trial on appeal therefrom, this article and article 3, section 40, of the Maryland constitution, have been complied with. *Steuart v. Baltimore*, 7 Md. 511.

The act of 1878, chapter 415, section 10, conferring jurisdiction upon justices of the peace to try and commit to the house of correction vagrant and disorderly persons, is constitutional. Design of this article. The crimes which this article provides for a jury trial of, are such crimes as have by the regular course of the law and the established modes of procedure as theretofore practiced, been the subjects of jury trial. *State v. Glenn*, 54 Md. 599. *Cf. Danner v. State*, 89 Md. 225.

Generally.

This article held to be a conclusive answer to an objection that the lottery commissioner had no right to file a bill of discovery in aid of a suit at law. *Broadbent v. State*, 7 Md. 429.

The acts of 1838, chapter 205, and 1845, chapter 176, extending the time of notice of the filing of a mechanics' lien claim, and the act of 1845, chapter 346, extending the first mentioned acts to Howard district, held under this article and under article 13 (as they stood in the constitution of 1851), to have been extended to Howard county. *Pue v. Hetzell*, 16 Md. 537. And see *State v. Manly*, 1 Md. 139.

In the light of this article as it stood in the constitution of 1851, the act of 1845, chapter 352, requiring usury to be specially pleaded, etc., held (in 1859) to be still in force. *Bandell v. Isaac*, 13 Md. 222.

The registry act of 1865, chapter 174, disfranchising those who had been in the Confederate army and requiring a test oath, thought to be in plain conflict with this article. *Anderson v. Baker*, 23 Md. 573 (dissenting opinion).

Section 224 of article 16 of the Annotated 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.

This article referred to in upholding the right of a court to hear and decide (without a jury) a motion to quash an attachment. *Howard v. Oppenheimer*, 25 Md. 365.

This article referred to in upholding the power of the general assembly to pass an act of divorce. *Wright v. Wright's Lessee*, 2 Md. 452 (decided prior to the constitution of 1867—see article 3, section 33, thereof).

This article referred to in discussing a prayer to take a case from the jury on the ground of the insufficiency of the evidence. *Kagel v. Totten*, 59 Md. 453.

This article referred to in construing article 15 of the declaration of rights—see notes thereto. *State v. C. & P. R. R. Co.*, 40 Md. 63 (dissenting opinion).