

sec. 397, *et seq.*, of the An. Code—which divided the crime murder into degrees, held not to violate this article, although it permitted a conviction of murder in the first degree on an indictment which did not aver a willful, deliberate and premeditated killing. *Davis v. State*, 39 Md. 384.

This article referred to in deciding that where the docket shows that the verdict was regularly found "guilty of murder in the first degree," but it is proven as a matter of fact that the verdict was merely "guilty," without finding the degree, a new trial must be had. *Ford v. State*, 12 Md. 549.

The portion of this article providing that the accused shall have the right to be confronted with the witnesses against him does not exempt all evidence except oral evidence of witnesses produced in court. Documentary evidence, held proper. *Johns v. State*, 55 Md. 359.

This article referred to in discussing whether a witness who was a member of the club under indictment for a violation of a local option law, should have been excused from testifying. *Chesapeake Club v. State*, 63 Md. 461 (dissenting opinion).

When a person accused of crime by a sufficient indictment is subjected, like all other persons, to the law in its regular course, this article is not violated. Object of this article. *Lanasa v. State*, 109 Md. 610.

See art. 15, sec. 5, of the Md. Constitution.

Art. 22. That no man ought to be compelled to give evidence against himself in a criminal case.

An indictment will not be quashed because it was found upon testimony given by the traverser before the grand jury. *Grove v. Taylor*, 143 Md. 193.

This article is waived if the traverser becomes a witness in his own behalf. *Guy v. State*, 90 Md. 33.

When a law provides that in case of its violation by any corporation, association, etc., each of its members "shall be liable and shall suffer imprisonment," etc., upon the indictment of a club for the violation of the liquor laws, a member may not be compelled to give testimony which might incriminate him; the privilege is a personal one and must be claimed by the witness upon oath. It is for the court to decide whether the privilege is well claimed or not; hence it must appear from the surrounding circumstances and the nature of the evidence sought to be elicited whether reasonable grounds exist for apprehending that the witness will incriminate himself. The privilege may be claimed after a witness has testified to other matters without objection. *Chesapeake v. State*, 63 Md. 456.

The state may not compel a traverser to produce in evidence against himself his private books and papers; this is true although such books and papers have, prior to the traverser's indictment, been turned over under an order of court to receivers. The fourth and fifth amendments to the Constitution of the United States are *in pari materia* with this article and art. 26. Cases reviewed. History of this article. *Blum v. State*, 94 Md. 380. *Cf. Lawrence v. State*, 103 Md. 35.

The fact that certain bonds and certificates of stock were illegally taken from the traverser, does not render them inadmissible in evidence against him. *Lawrence v. State*, 103 Md. 33.

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).

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.

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