

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.

See art. 23 of the Declaration of Rights and notes to art. 15, sec. 6, of the Md. Constitution.

Art. 20. That the trial of facts, where they arise, is one of the greatest securities of the lives, liberties and estate of the People.

Nothing in this article prevents a court from adopting rules requiring the trial of cases within a reasonable time. This article referred to in upholding a rule of the circuit court for Howard county relative to the *stet* docket. *Laurel Canning Co. v. B. & O. R. R. Co.*, 115 Md. 642.

The registry act of 1865, ch. 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).

This article cited in dissenting opinion in *In re Rickell's Estate*, 158 Md. 665.

See art. 5 of the Declaration of Rights and art. 4, sec. 8, and art. 15, sec. 6, of the Md. Constitution.

Cited in *Abrams v. Abrams*, (Judge Offutt, Circuit Court for Baltimore Co.), Daily Record, Jan. 9, 1939.

Art. 21. That in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to have a copy of the Indictment, or Charge in due time (if required) to prepare for his defense; to be allowed counsel; to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses for and against him on oath; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

#### **Jurors and jury trial.**

Accused may waive right of trial by jury. *Rose v. State*, Daily Record, Jan. 31, 1940.

The fact that two of the twenty-four jurors were members of a law and order league, the object of which was to enforce the local option law, did not disqualify them in a prosecution for a violation of said law; such members should not serve, however, in cases in which the league has control of, or by its counsel actively participates in, the prosecution. The fact that two of the state's witnesses were employees of the league did not disqualify the two jurors who were members of the league. The two jurors would have been disqualified, however, had they been members of an association for the purpose of delaying or obstructing the enforcement of the law. *Guy v. State*, 96 Md. 694.

The act of 1878, ch. 415, sec. 10, conferring jurisdiction upon justices of the peace to try and commit to the house of correction vagrant and disorderly persons, is constitutional. Meaning and 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 practised, been the subjects of jury trial. *State v. Glenn*, 54 Md. 599; *Lancaster v. State*, 90 Md. 215. *Cf. Danner v. State*, 89 Md. 225.

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, ch. 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.

The act of 1880, ch. 198, providing for the seizure and sale of vessels, etc., violating the "oyster" law, and for the trial of the captain, etc., before a justice of the peace, held not to violate this article or art. 23. *The Ann*, 8 Fed. 925.

#### **Indictment.**

The indictment need not allege that the law under which it is had is in operation in the county where the law is alleged to have been violated, since it is the offense which is charged and not the law which is alleged to have been violated. Indictment sustained. *Slymer v. State*, 62 Md. 239.

Where a law provides a heavier punishment for a second violation of the liquor laws than for a first offense, in order to convict of such second offense, the indictment must aver that the offense charged is a second one. The act of 1908, ch. 179, providing that