

Sec. 3.

See notes to sec. 1.

Sec. 4.

This section referred to in construing art. 60, sec 3—see notes thereto. *West v. Musgrave*, 154 Md. 43.

See notes to sec. 2.

Ch. 229, 1924, authorizing Baltimore City to incur debt for constructing a viaduct and to condemn property. is not sufficient so as to dispense with the requirements in the City Charter as to street openings, etc. *Browne v. Baltimore*, 163 Md. 212.

Ch. 497, 1931, exempting W., B. & A. R. Co. not repugnant to this section. *Williams v. Mayor*, 289 U. S. 47.

Sec. 5.

See notes to sec. 1.

 ARTICLE XV.

MISCELLANEOUS.

Sec. 1.

See notes to art. 3, sec. 52, of Constitution.

Sec. 5.

In view of this section, motion of traverser's counsel to strike out evidence cannot be entertained in criminal cases. Court only determines admissibility of testimony and competency of witnesses. *Rasin v. State*, 153 Md. 435.

In view of this section, legal sufficiency of testimony to sustain indictment may not be submitted to trial court as question of law; admissibility of evidence is for court. *Deibert v. State*, 150 Md. 695.

While in view of this section court cannot give binding instructions in criminal cases, advisory instructions may be given; this practice long sanctioned in Maryland. *Klein v. State*, 151 Md. 489.

No distinction under this section between motion in arrest of judgment and motion to strike out verdict and judgment. This section applied. *Willis v. State*, 153 Md. 617.

This section referred to in holding comment of court in criminal case prejudicial error. *Newton v. State*, 147 Md. 87.

This section is of equal force and not in conflict with arts. 2 and 5 of the Declaration of Rights. *Price v. State*, 160 Md. 672.

Cited but not construed in dissenting opinion in *Price v. State*, 159 Md. 517.

Cited but not construed in *Thomas v. Penna. R. Co.*, 162 Md. 516; *Vogel v. State*, 163 Md. 272.

Where state's attorney argued to jury the probative force of evidence, that body being the proper one under this section, it was held that there was no appeal on questions of correctness of arguments. *Davis v. State*, Daily Record, January 21, 1935.

This section referred to in *State v. Coblentz*, Daily Record, July 17, 1935.

Sec. 6.

Art. 16, sec. 246, of Code, not invalid under this section—see notes thereto. *Balto. Process Co. v. My-Coca Co.*, 144 Md. 445.

Application for compensation under Workmen's Compensation Act is essentially different from civil proceeding in a court of law; jury trial does not include right to fix amount of compensation. *Branch v. Indemnity Ins. Co.*, 156 Md. 483.

Cited but not construed in *Johnson & Higgins v. Simpson*, 165 Md. 89.