

214, 222 or 225. It is the playing of a game of chance which makes a gaming table criminal. How a criminal statute should be construed. (But see section 217, *et seq.*) *James v. State*, 63 Md. 250-1 (*cf. dissenting opinions*).

The court will take judicial knowledge of what a billiard table is, or of the difference between a billiard table and a faro table. If a billiard table is used as a faro table, it loses the immunity of the former under this section. An indictment under this section held sufficient. *State v. Price*, 12 G. & J. 260.

1904, art. 27, sec. 201. 1888, art. 27, sec. 124. 1860, art. 30, sec. 58. 1842, ch. 190, sec. 5. 1853, ch. 265, sec. 1. 1856, ch. 195, sec. 1.

216. No person shall lease or rent any house, vessel or other place to be used for gambling.

Ibid. sec. 202. 1890, ch. 206. 1894, ch. 232. 1898, ch. 285, sec. 124A.

217. It shall not be lawful for any person or persons, or association of persons, or for any corporation within the State of Maryland, to bet, wage or gamble in any manner, or by any means, or to make or sell a book or pool on the result of any trotting, pacing or running race of horses or other beasts, or race, contest or contingency of any kind, or to establish, keep, rent, use or occupy or knowingly suffer to be used, kept or rented or occupied, any house, building, vessel, grounds or place, or portion of any house, building, vessel, grounds or place, on land or water, within the State of Maryland, for the purpose of betting, wagering or gambling in any manner, or by any means, or making, selling or buying books or pools therein or thereon upon the result of any race or contest or contingency, or by any means or devices whatsoever, to receive, become the depository of, record or register, or forward or purpose, or agree or pretend to forward any money, bet, wager, thing or consideration of value, to be bet, gambled or wagered in any manner, or by any means or device whatsoever, upon the result of any race, contest or contingency, and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than two hundred dollars nor more than one thousand dollars, one-half of said fine to go to the informer, and shall be subject to imprisonment in jail for not less than six months nor more than one year, or be both fined and imprisoned, in the discretion of the court.

Under the act of 1894, ch. 232, the making of books or pools, etc., is limited to the day upon which, and the grounds where, the races take place; the races may not continue longer than thirty days in any one year; an agricultural association may not use two or more distinct and separate parcels of land for horse races and claim the exemption provided by the above act. All indictments must conclude "against the peace, government and dignity of the state." *State v. Dycer*, 85 Md. 249.

When an exception in a criminal statute must be negated in the indictment; an indictment under this section held to sufficiently negative the exception. Reasonable certainty is required in criminal pleading; duplicity; when a statute employs the disjunctive "or," the indictment should employ the conjunctive "and," or else should use separate counts for each offense. When a prisoner is not "put in jeopardy" and may be retried. *Stearns v. State*, 81 Md. 343 (decided prior to the act of 1898, ch. 285).