

March; provided, that the Circuit Court for Baltimore county may grant such license for not more than seventy-five days between the first day of April and the first day of December in every year. For every license so granted there shall be paid by the applicant, before the issuance thereof, to the clerk of the Court granting the same, the sum of five dollars for each and every day for which such license shall have been granted to said applicant; the said sum to go to the Board of County School Commissioners of the county in which such court may be located, for the use of the public schools thereof; provided, however, that the provisions of this section shall not apply to Cecil, Washington or Anne Arundel counties.

This section referred to as showing that it was not the intention of the legislature to suppress horse racing or prohibit betting thereon, except as limited by various acts. *Clark v. Harford, etc., Assn.*, 118 Md. 621.

1904, art. 27, sec. 208. 1888, art. 27, sec. 125. 1860, art. 30, sec. 59. 1829, ch. 136. 1842, ch. 190, sec. 1. 1853, ch. 265, sec. 1. 1856, ch. 195, sec. 1. 1880, ch. 149. 1882, ch. 271.

222. Any person who shall keep any gaming table or other place of gambling in this State, or who shall deal at any such gaming table or other place for gambling in this State, or who shall in any way manage such gaming table or other place for gambling in this State, or who shall have any interest in any gaming table or the profits thereof, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding five hundred dollars, one-half to go to the informer, or imprisonment in jail for a period of not less than six months nor more than one year.

The keeping of rooms for the sale of pools on horse races and the selling of such pools or tickets is not indictable under this section or section 214, 215 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. 252 (*cf. dissenting opinions*).

See notes to section 214.

Ibid. sec. 209. 1888, art. 27, sec. 126. 1860, art. 30, sec. 60. 1829, ch. 136. 1842, ch. 190, sec. 1. 1853, ch. 265, sec. 1. 1856, ch. 195, sec. 1. 1880, ch. 149. 1882, ch. 271.

223. Any owner, tenant or occupant of any building, house, vessel or place, who shall knowingly permit any gaming table to be kept in such building, house, vessel or place, or in any part of any building, house, vessel or place owned or occupied by him, or of which he is tenant, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding five hundred dollars, one-half to go to the informer, or imprisonment in jail for a period of not less than six months nor more than one year, or both fine and imprisonment in the discretion of the court.

Ibid. sec. 210. 1888, art. 27, sec. 127. 1860, art. 30, sec. 61. 1813, ch. 84.

224. Any person who may lose money at a gaming table may recover back the same as if it were a common debt, and shall be a competent witness to prove the sum he lost; but no person shall recover any money