

**Rogues and Vagabonds.**

1904, art. 27, sec. 383. 1888, art. 27, sec. 246. 1860, art. 30, sec. 178. 1809, ch. 138, sec. 7. 1878, ch. 467.

**435.** If any person shall be apprehended having upon him any pick-lock, key, crow, jack, bit, or other implement, at places and under circumstances from which an intent may be presumed feloniously to break and enter into any dwelling-house, warehouse, storehouse, stable or outhouse, or shall have upon him any pistol, hanger, cutlass, bludgeon, or other offensive weapon, also at places and under circumstances from which may be presumed an intent feloniously to assault any person, or shall be found in or upon any dwelling-house, warehouse, storehouse, stable or outhouse, or in any enclosed yard or garden or area belonging to any house, with an intent to steal any goods or chattels, every such person shall be deemed a rogue and vagabond, and on being convicted thereof shall be sentenced to the penitentiary for not less than one month nor more than two years, or to imprisonment in jail, at the discretion of the court, for a like term.

As to vagrants and tramps, see section 476, *et seq.*

**Sabbath Breaking.**

*Ibid.*, sec. 384. 1888, art. 27, sec. 247. 1860, art. 30, sec. 178. 1723, ch. 16, sec. 10.

**436.** No person whatsoever shall work or do any bodily labor on the Lord's day, commonly called Sunday; and no person having children or servants shall command, or wittingly or willingly suffer any of them to do any manner of work or labor on the Lord's day (works of necessity and charity always excepted), nor shall suffer or permit any children or servants to profane the Lord's day by gaming, fishing, fowling, hunting or unlawful pastime or recreation; and every person transgressing this section and being thereof convicted before a justice of the peace shall forfeit five dollars, to be applied to the use of the county.

This section held to have no application in a suit against a carrier for delay in delivering cattle; the transportation of cattle by a carrier on Sunday is not illegal, but is excepted from the operation of this section. The fact that the cattle were transported on Sunday would, even if it were a violation of the law, be no defense to the above suit. *P., W. & B. Ry. Co. v. Lehman*, 56 Md. 227.

This section does not prevent a new promise made on Sunday from removing the bar of the statute of limitations. *Thomas v. Hunter*, 29 Md. 413.

This section is constitutional and valid; how the constitutionality of a statute may be tested. *Judevind v. State*, 78 Md. 511.

As to indictments for selling liquor, unlawfully, see section 504.

Prosecutions for Sabbath-breaking shall be brought within one month—article 57, section 12.

See notes to section 437.

*Ibid.*, sec. 385. 1888, art. 27, sec. 248. 1860, art. 30, sec. 179. 1723, ch. 16, sec. 11. 1866, ch. 66.

**437.** No person in this State shall sell, dispose of, barter, or, if a dealer in any one or more of the articles of merchandise in this section