

mentioned, shall give away on the Sabbath day, commonly called Sunday, any tobacco, cigars, candy, soda or mineral waters, spirituous or fermented liquors, cordials, lager beer, wine, cider or any other goods, wares or merchandise whatsoever; and any person violating any one of the provisions of this section shall be liable to indictment in any court in this State having criminal jurisdiction, and upon conviction thereof shall be fined a sum not less than twenty nor more than fifty dollars, in the discretion of the court, for the first offense, and if convicted a second time for a violation of this section, the person or persons so offending shall be fined a sum not less than fifty nor more than five hundred dollars, and be imprisoned for not less than ten nor more than thirty days, in the discretion of the court, and his, her or their license, if any was issued, shall be declared null and void by the judge of said court; and it shall not be lawful for such person or persons to obtain another license for the period of twelve months from the time of such conviction, nor shall a license be obtained by any other person or persons to carry on said business on the premises or elsewhere, if the person, so as aforesaid convicted, has any interest whatever therein, or shall derive any profit whatever therefrom; and in case of being convicted more than twice for a violation of this section, such person or persons on each occasion shall be imprisoned for not less than thirty nor more than sixty days, and fined a sum not less than double that imposed on such person or persons on the last preceding conviction; and his, her or their license, if any was issued, shall be declared null and void by the court, and no new license shall be issued to such person or persons for a period of two years from the time of such conviction, nor to any one else to carry on said business wherein he or she is in anywise interested, as before provided for the second violation of the provisions of this section; one-half of all the fines to be imposed under this section shall be paid to the State, and the other half to the informer. This section is not to apply to milk or ice dealers in supplying their customers, or to apothecaries when putting up *bona fide* prescriptions.

There is no constitutional objection to a statute prescribing an increased punishment for a second offense; the indictment must charge the commission of the second offense, and the verdict must show that the jury found the traverser guilty of a second offense, else he may only be convicted for a first offense. How a prior conviction may be proven. The indictment may be read to the jury. *Maguire v. State*, 47 Md. 493.

The act of 1908, chapter 179, regulating the sale of liquors, and the granting of licenses therefor, in Baltimore County, held not to repeal this section in so far as it applies to persons who are not licensed dealers and who sell liquors on Sunday in violation of this section in Baltimore County; a different punishment is provided by the local law from that provided by this section. An indictment held to have been properly brought under the act of 1908, rather than under this section. *Kenny v. State*, 121 Md. 125.

The gravamen of the offense prohibited by this section is the selling of liquor on Sunday, and not the selling with or without a license; hence the indictment need not allege that the traverser was licensed or was a trader. *State v. Edlavitch*, 77 Md. 147; *Flood v. State*, 103 Md. 692.

Article 57, section 12, held to have no application to indictments under this section; article 57, section 11, is applicable. Sections of the code relating to the same subject-matter should be read and construed together