

without reference to the particular article or heading under which they may be placed. History of this section and of sections 436 and 438. *State v. Popp*, 45 Md. 433. And see *Seim v. State*, 55 Md. 569.

An indictment under this section upheld, although it averred the sale of liquor on Sunday, July 4th, 1879, July 4th, 1879, being as a matter of fact Friday; the day of the week rather than the day of the month is the material averment in respect to time. *Hoover v. State*, 56 Md. 586.

The act of 1847, chapter 193, held to embrace only licensed tavern-keepers and retailers; that act held to have no application to the importer authorized to sell in the form in which the liquors were imported without a license from the State of Maryland. The act of 1847 as thus construed held constitutional. When an indictment should ordinarily negative an exception contained in a statute; this rule held inapplicable to the act of 1847; indictment held defective. *Bode v. State*, 7 Gill, 328; *Parkinson v. State*, 14 Md. 191.

This section referred to in sustaining a demurrer to certain pleas filed by a social club in Baltimore City indicted for the violation of the law prohibiting liquor selling on Sunday. *State v. Md. Club*, 105 Md. 593.

This section held to have no application to members of a social club who obtain liquor at the club by paying into the common fund the price fixed by such club. *Seim v. State*, 55 Md. 567. And see *Conococheague Club v. State*, 116 Md. 322.

This section held to be in force in Anne Arundel County notwithstanding the act of 1886, chapter 383; indictment sustained. *Flood v. State*, 103 Md. 692.

Suffering persons to bet upon games of cards in a tavern on the Sabbath, held to be a violation of the act of 1723, chapter 16, section 11. *State v. Fearson*, 2 Md. 312.

This section referred to in construing article 56, section 95—see notes thereto. *Seick v. State*, 94 Md. 72.

See notes to section 436.

1904, art. 27, sec. 386. 1888, art. 27, sec. 249. 1860, art. 30, sec. 180. 1834, ch. 244. 1847, ch. 193. 1866, ch. 66. 1874, ch. 71.

438. It shall not be lawful to keep open or use any dancing saloon, opera house, ten pin alley, barber saloon or ball alley within this State on the Sabbath day, commonly called Sunday; and any person or persons, or body politic or corporate, who shall violate any provision of this section, or cause or knowingly permit the same to be violated by a person or persons in his, her or its employ shall be liable to indictment in any court of this State having criminal jurisdiction, and upon conviction thereof shall be fined a sum not less than fifty dollars nor more than one hundred 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, or body politic or corporate shall be fined a sum not less than one hundred nor more than five hundred dollars; and if a natural person shall be imprisoned, not less than ten nor more than thirty days in the discretion of the court; and in the case of any conviction or convictions, under this section subsequent to the second, such person or persons, body politic or corporate shall be fined on each occasion a sum at least double that imposed upon him, her, them or it on the last preceding conviction; and if a natural person, shall be imprisoned not less than thirty nor more than sixty days in the discretion of