

shall destroy any part of the fencing about said preserve or refuge in any manner whatsoever, or shall enter into such preserve or refuge and drive, or attempt to drive the game birds or game animals therefrom, either in the day time or in the night time, except with the written consent of the owner or owners thereof, shall be guilty of a misdemeanor and upon conviction thereof shall be liable for each offense to a fine of not less than \$100.00 or not more than \$500.00 or to imprisonment in the House of Correction for a period of not less than six months nor more than one year, or be subject both to said fine and said imprisonment, in the discretion of the Court.

Trespass.

1920, ch. 112, sec. 1.

242. It shall be unlawful for any person to enter or trespass on any property which is posted against trespassers in a conspicuous manner. Any person so doing shall be guilty of a misdemeanor and upon conviction before any Justice of the Peace shall pay a fine of fifteen dollars (\$15.00) and the costs; the prosecution of such offenders shall be made and proceedings instituted by the landowner or tenant of the property unlawfully entered.

1920, ch. 112, sec. 2.

243. In order to protect the State of Maryland in its propagation of game and fish, it shall be unlawful for any person to enter or trespass in any manner, unauthorized, on any land or waters owned or controlled by the State for the use of the Game Department or Fish Department, or lands which have been acquired as game preserves or refuges, or for fish ponds or hatcheries, and it shall be unlawful to destroy or deface or damage in any manner such properties. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction before any Justice of the Peace, shall be fined the sum of one hundred dollars (\$100.00).

Gaming.

An. Code, sec. 214. 1904, sec. 199. 1888, sec. 122. 1797, ch. 110. 1826, ch. 88, sec. 1. 1842, ch. 190, sec. 5. 1853, ch. 265, sec. 1. 1856, ch. 195, sec. 1.

244. No person shall keep any gaming table, or any house, vessel or place, on land or water for the purpose of gambling.

Counts under this and the following sections, and counts for keeping such a common gambling house as constituted a nuisance at common law, may be joined in one indictment. An indictment may include separate offenses in separate counts where offenses are of same general character, differing only in degree. If indictment contains one good count, a general demurrer will not prevent a judgment upon such count. An indictment held sufficient under this section and sec. 252. A witness may not be asked whether he knew of traverser's keeping, or having kept, a gaming table. *Wheeler v. State*, 42 Md. 567.

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 sec. 245, 252 or 255. It is playing of a game of chance which makes a gaming table criminal. How a criminal statute should be construed. (But see sec. 247, *et seq.*) *James v. State*, 63 Md. 252 (*cf.* dissenting opinions).

For a case now apparently inapplicable to this section by reason of amendments thereto, see *Baker v. State*, 2 H. & J. 5.

As to indictments for gaming, see secs. 556 and 557.