

An. Code, sec. 215. 1904, sec. 200. 1888, sec. 123. 1826, ch. 88, sec. 1. 1842, ch. 190, sec. 4.

245. Every faro table, E. O. table, equality, or any other kind of gaming table (billiard table excepted), at which any game of chance shall be played for money or any other thing, shall be deemed a gaming table.

The keeping of rooms for sale of pools on horse races and selling of such pools or tickets is not indictable under this section or sec. 244, 252 or 255. It is the 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. 250-1 (*cf.* dissenting opinions).

The court will take judicial knowledge of what a billiard table is, or of the difference between a billiard table and a faro table. If a billiard table is used as a faro table, it loses the immunity of former under this section. Indictment under this section held sufficient. *State v. Price*, 12 G. & J. 260.

An. Code, sec. 216. 1904, sec. 201. 1888, sec. 124. 1842, ch. 190, sec. 5. 1853, ch. 265, sec. 1. 1856, ch. 195, sec. 1.

246. No person shall lease or rent any house, vessel or other place to be used for gambling.

An. Code, sec. 217. 1904, sec. 202. 1890, ch. 206. 1894, ch. 232. 1898, ch. 285, sec. 124A.

247. It shall not be lawful for any person or persons, or association of persons, or for any corporation within the State of Maryland, to bet, wage or gamble in any manner, or by any means, or to make or sell a book or pool on the result of any trotting, pacing or running race of horses or other beasts, or race, contest or contingency of any kind, or to establish, keep, rent, use or occupy or knowingly suffer to be used, kept or rented or occupied, any house, building, vessel, grounds or place, or portion of any house, building, vessel, grounds or place, on land or water, within the State of Maryland, for the purpose of betting, wagering or gambling in any manner, or by any means, or making, selling or buying books or pools therein or thereon upon the result of any race or contest or contingency, or by any means or devices whatsoever, to receive, become the depository of, record or register, or forward or purpose, or agree or pretend to forward any money, bet, wager, thing or consideration of value, to be bet, gambled or wagered in any manner, or by any means or device whatsoever, upon the result of any race, contest or contingency, and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than two hundred dollars nor more than one thousand dollars, one-half of said fine to go to the informer, and shall be subject to imprisonment in jail for not less than six months nor more than one year, or be both fined and imprisoned, in the discretion of the court.

Contention that secs. 248-251 being void, the act of 1892, ch. 386, applying to Prince George's county, was still in force, overruled. Implied repeal. Legislature intended sec. 247, *et seq.*, to apply to the whole state, except as to counties expressly excepted by sec. 251. Cases reviewed. *Beall v. So. Md. Agri. Asso.*, 136 Md. 307.

This section is valid, regardless of whether secs. 248 to 251 are valid or not; question of validity of said sections not passed on. When sections of a statute are severable and independent. Object of statutes dealing with horse-racing. *Agri. Soc. Montgomery County v. State*, 130 Md. 476. And see *Beall v. So. Md. Agri. Assn.*, 136 Md. 306.

Under act, 1894, ch. 232, the making of books or pools, etc., is limited to day upon which, and grounds where, the races take place; races may not continue longer than