

thirty days in any one year; an agricultural association may not use two or more distinct and separate parcels of land for horse races and claim the exemption provided by above act. All indictments must conclude "against the peace, government and dignity of the state." *State v. Dycer*, 85 Md. 249.

When an exception in a criminal statute must be negated in indictment; an indictment under this section held to sufficiently negative exception. Reasonable certainty is required in criminal pleading; duplicity; when a statute employs disjunctive "or," indictment should employ conjunctive "and," or else should use separate counts for each offense. When a prisoner is not "put in jeopardy" and may be retried. *Stearns v. State*, 81 Md. 343 (decided prior to the act of 1898, ch. 285); *Pritchett v. State*, 140 Md. 313.

See notes to sec. 248. And see art. 78B.

An. Code, sec. 218. 1904, sec. 203. 1898, ch. 285, sec. 124B.

248. Nothing in the next preceding section shall render it unlawful in any county of this State, other than Baltimore city, for any person or persons to make a pool or a book, or to bet within the ground of any agricultural association, race course or driving park, upon the result of any trotting, pacing or running race of horses which shall be held within the same grounds, race course or driving park upon which said person shall so make a pool or book, or shall so bet upon the same day on which said race shall be held; provided, the grounds of such agricultural association, race course or driving park be licensed in the manner set forth in the next succeeding section by the circuit court for the county within which such grounds or track may be located.

Secs. 248 to 251, inclusive, are unconstitutional and void, in that they attempt to impose upon the court a non-judicial duty. Cases reviewed. Peculiarities of these sections. Sec. 247 is valid. *Close v. So. Md. Agri. Assn.*, 134 Md. 635. See also *Beall v. So. Md. Agri. Assn.*, 136 Md. 305.

This section referred to in upholding validity of act of 1912, ch. 132 (relating to Harford county), and of a racing commission constituted by that act. It was not the intention of legislature to suppress horse racing or prohibit betting thereon except as limited by various acts. *Clark v. Harford, etc., Assn.*, 118 Md. 621.

See notes to sec. 247. See art. 78B.

See art. 78B, sec. 10.

An. Code, sec. 219. 1904, sec. 204. 1898, ch. 285, sec. 124C.

249. Every person applying for a license as required by the next preceding section shall file with the circuit court for the county within which the grounds of such agricultural association, race course or driving park may be located, his petition for such a license, and before granting the said license the said court shall cause notification of said petition to be published, at the cost of the applicant, at least once a week for three successive weeks, in a newspaper published in the county in which the grounds aforesaid may be located.

See notes to secs. 247 and 248.

An. Code, sec. 220. 1904, sec. 205. 1898, ch. 285, sec. 124D.

250. The said petition shall contain the name or names of the applicant or applicants; second, the name of the grounds upon which the license is desired; third, a definite description of the place where such grounds are located; fourth, a day or days for which such license is desired, and there shall be annexed to this petition a certificate signed by at least