

vagabond, and on being convicted thereof shall be sentenced to the penitentiary for not less than one month nor more than two years, or to imprisonment in jail, at the discretion of the court, for a like term.

As to vagrants and tramps, see sec. 527, *et seq.*

Sabbath Breaking.

An. Code, sec. 436. 1904, sec. 384. 1888, sec. 247. 1723, ch. 16, sec. 10.

483. No person whatsoever shall work or do any bodily labor on the Lord's day, commonly called Sunday; and no person having children or servants shall command, or wittingly or willingly suffer any of them to do any manner of work or labor on the Lord's day (works of necessity and charity always excepted), nor shall suffer or permit any children or servants to profane the Lord's day by gaming, fishing, fowling, hunting or unlawful pastime or recreation; and every person transgressing this section and being thereof convicted before a justice of the peace shall forfeit five dollars, to be applied to the use of the county.

Ordinance permitting Sunday base-ball and other athletic sports between certain hours in Baltimore city, held to violate this section. "Police power" of Baltimore city. Meaning of "Work." *Mandamus*—at whose instance issued. *Levering v. Park Commrs.*, 134 Md. 51 (decided in 1919). And see *Graham v. Gaither*, 140 Md. 342.

This section has been kept alive ever since its passage in 1723, having been twice re-enacted in the Codes of 1860 and 1888, and is the law of the state. *Mandamus* to police commissioner to compel enforcement of Sunday law in regard to professional base-ball in Baltimore city, refused. *Graham v. Gaither*, 140 Md. 336.

Act of 1920, ch. 522, is a general law; a general law may not be passed subject to approval of the people of a portion of the state; act 1920 invalid. Motion pictures. *Levering v. Supervisors of Elections*, 137 Md. 283.

This section held to have no application in a suit against a carrier for delay in delivering cattle; the transportation of cattle by a carrier on Sunday is not illegal, but is excepted from operation of this section. Fact that cattle were transported on Sunday would, even if it were a violation of law, be no defense to above suit. *P., W. & B. Ry. Co. v. Lehman*, 56 Md. 227.

This section does not prevent a new promise made on Sunday from removing bar of statute of limitations. *Thomas v. Hunter*, 29 Md. 413.

This section is constitutional and valid; how the constitutionality of a statute may be tested. *Judefind v. State*, 78 Md. 511; *Levering v. Park Commrs.*, 134 Md. 54 (decided in 1919).

As to indictments for selling liquor, unlawfully, see sec. 561.

For indictment under this section, see *Reynolds v. Russler*, 128 Md. 608.

Prosecutions for Sabbath-breaking shall be brought within one month—art. 57, sec. 12.

See notes to sec. 484.

An. Code, sec. 437. 1904, sec. 385. 1888, sec. 248. 1723, ch. 16, sec. 11. 1866, ch. 66. 1920, ch. 700.

484. No person in this State shall sell, dispose of, barter, or deal in, or give away any articles of merchandise on Sunday, except retailers, who may sell and deliver on said day tobacco, cigars, cigarettes, candy, sodas and soft drinks, ice, ice cream, ices and other confectionery, milk, bread, fruits, gasoline, oils and greases; 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