

he may reside, or if he reside in the city of Baltimore to the clerk of the court of common pleas therefor.

This section referred to in deciding that act of 1908, ch. 380, providing a high license law for Washington county, included private social clubs. *Conococheague Club v. State*, 116 Md. 321.

An oyster or eating house license for sale of liquor in quantities less than a pint, does not authorize the sale of liquor in greater quantities. The three kinds of licenses to sell liquor, contrasted—see secs. 73 and 85. *State v. Cahen*, 35 Md. 237.

See notes to secs. 73 and 85.

As to licenses for tonging, dredging and packing oysters, see art. 72.

An. Code, sec. 91. 1904, sec. 91. 1888, sec. 83. 1858, ch. 414, sec. 6. 1860, ch. 325, sec. 13.

**106.** Upon such application the said applicant shall pay to the clerk of the circuit court of the county where he resides, or if said applicant shall reside in the city of Baltimore then to the clerk of the court of common pleas, the sum of fifty dollars for each and every such license.

This section referred to in deciding that act of 1908, ch. 380, providing a high license law for Washington county, included private social clubs. *Conococheague Club v. State*, 116 Md. 321.

Cited but not construed in *State v. Cahen*, 35 Md. 237.

### Miscellaneous.

An. Code, sec. 92. 1904, sec. 92. 1904, ch. 84, sec. 83A.

**107.** On and after March 18, 1904, it shall be unlawful to issue any licenses to any person or corporation authorizing the sale of liquor or intoxicating beverages in any quantities whatsoever upon the Potomac river or upon the property of the Chesapeake and Ohio canal company; and it shall be unlawful for any person or corporation with or without license, to sell, give or barter any liquor or intoxicating beverages to any person on the said Potomac river or on the property of the Chesapeake and Ohio canal company, and any violation of this section shall be punished upon conviction thereof by any justice of the peace or court of competent jurisdiction by fine of not less than one hundred dollars and not more than two hundred dollars or by imprisonment in the county jail or the house of correction of Maryland for a period not exceeding three months or by both fine and imprisonment, in the discretion of the tribunal having jurisdiction of the same; provided, that this section shall only apply to Allegany and Washington counties; and shall not be construed to apply to leases [lessees] of properties from the Chesapeake and Ohio canal company.

An. Code, sec. 93. 1904, sec. 93. 1888, sec. 84. 1858, ch. 414, sec. 8.

**108.** If any person shall sell or barter any spirituous or fermented liquors or lager beer in quantities less than a pint without taking out license therefor, as herein provided, he shall upon conviction pay a fine of not less than fifty nor more than two hundred dollars for each offense, and on failure to pay the same, together with the costs of prosecution, shall be committed to jail and confined therein until such fine and costs are paid or for a period of forty days, whichever shall first occur.

Since act of 1858, ch. 414, repealed the law under which prior to adoption of said act, an indictment had been found, no conviction could be had on such indictment. *Keller v. State*, 12 Md. 325.

See notes to secs. 1, 73, 85 and 105.