

An. Code, sec. 94. 1904, sec. 94. 1888, sec. 85. 1858, ch. 414, sec. 7. 1872, ch. 430.

109. If any person shall barter or sell any goods, wares or merchandise or spirituous or fermented liquors or lager beer in quantities not less than a pint without taking out license therefor as hereinbefore provided, he shall on conviction pay a fine of not less than twenty dollars nor more than one hundred dollars for each offense, and upon failure to pay said fine and the costs of prosecution shall be committed to jail and confined therein until such fine and costs are paid or for a period of twenty days, whichever shall first occur.

A minor engaging in business under secs. 42 and 43, without obtaining a license as required therein, is liable to be prosecuted, under this section, if he has reached age of criminal responsibility. *Crew Levick Co. v. Hull*, 125 Md. 10.

See notes to sec. 73.

An. Code, sec. 95. 1904, sec. 95. 1888, sec. 86. 1858, ch. 414, sec. 9. 1864, ch. 345. 1888, ch. 428. 1890, ch. 304.

110. If any person shall sell or barter any spirituous or fermented liquors or lager beer to any person who is a minor or under twenty-one years of age, or shall sell or barter to any person such spirituous or fermented liquors or lager beer to be drunk by such person who is a minor or under twenty-one years of age, he shall on conviction pay a fine of not less than fifty nor more than two hundred dollars, together with the costs of prosecution, and upon failure to pay the same shall be committed to jail and confined therein until such fine and costs are paid, or for the period of forty days whichever shall first occur.

Fact that sale was made without traverser's knowledge and contrary to his directions, is no defense. Act of agent is act of principal; it is not necessary to prove the *scienter*. *Carroll v. State*, 63 Md. 552.

Indictment under this section which charges that traverser had previously been convicted of a similar offense is bad on demurrer, since the section does not provide for second offense. Defect is not cured by instructing jury to make no reference in their verdict to previous conviction. *Seick v. State*, 94 Md. 72.

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

An. Code, sec. 96. 1904, sec. 96. 1890, ch. 304, sec. 86A.

111. If any person having a license to sell spirituous or fermented liquors or lager beer shall give to any person who is a minor or under twenty-one years any such spirituous or fermented liquors or lager beer, or having such license shall allow upon the premises occupied by him any such person who is a minor or under twenty-one years of age to drink any such spirituous or fermented liquors or lager beer sold or bartered by him, he shall on conviction pay a fine of not less than fifty nor more than two hundred dollars, together with the costs of prosecution, and upon failure to pay the same shall be committed to jail and confined therein until such fine or costs are paid, or for the period of forty days, whichever shall first occur; and it shall be the duty of the court before whom said person shall be convicted to suppress the license.

An. Code, sec. 97. 1904, sec. 97. 1890, ch. 304, sec. 86B.

112. If any person shall take out an ordinary license as herein provided without having the bedding and other accommodations required,