

ous to or used with any mansion house, and stealing from thence any money, goods or chattels to the value of one dollar or upwards, or as being accessory thereto, shall restore the thing taken to the owner thereof, or shall pay him the full value thereof, and shall be sentenced to the penitentiary for not less than two nor more than ten years.

An. Code, 1924, sec. 38. 1912, sec. 35. 1906, ch. 476. 1908, ch. 45.

**36.** Any person who breaks and enters, either by day or by night, any building, whether inhabited or not, and opens or attempts to open any vault, safe or other secure place by the use of nitroglycerine, dynamite, gunpowder or other explosive, shall be deemed guilty of burglary with explosives.

The granting of a motion to sever is within discretion of trial court. It is sufficient if an indictment charges an offense in the language of a statute. This section is constitutional and valid. Burglary is a felony. Object of this section. *Smith v. State*, 106 Md. 39 (decided prior to act, 1908, ch. 45); *Bowser v. State*, 136 Md. 345.

An. Code, 1924, sec. 39. 1912, sec. 36. 1906, ch. 476. 1908, ch. 45.

**37.** Any person duly convicted of burglary with explosives shall be sentenced to the penitentiary for not more than 40 years.

### **Cigarettes.**

An. Code, 1924, sec. 40. 1912, sec. 37. 1914, ch. 835.

**38.** Any person who shall furnish to any minor, by gift, sale or otherwise, any cigarette or cigarette paper, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than twenty-five dollars nor more than fifty dollars for the first offense, and for each subsequent offense shall be liable for a fine of not less than one hundred dollars nor more than three hundred dollars and to undergo an imprisonment in the jail or the proper county for a period of not less than thirty days nor more than six months, and on failure to pay the fine and costs of prosecution, shall be required to work the same out on the public roads.

See sec. 39.

An. Code, 1924, sec. 39. 1912, sec. 38. 1914, ch. 835.

**39.** Any minor being in possession of a cigarette or cigarette paper and being by any police officer, constable, juvenile court officer, truant officer or teacher in any school asked where and from whom such cigarette or cigarette paper was obtained, who shall refuse to furnish such information, shall be guilty of a misdemeanor, and upon conviction thereof before any alderman, magistrate or justice of the peace, shall be sentenced to pay a fine not less than five dollars nor more than ten dollars, and on failure to pay the fine and costs of prosecution, shall be sentenced to be confined in the jail of the proper county for a period of not less than ten days or more than thirty days; provided, however, that nothing contained in this or the preceding section shall apply to Baltimore City or any County in the State of Maryland, except Garrett County.

<sup>1</sup> Evidently a typographical error in the act.