

of this section shall be guilty of a misdemeanor and upon conviction before any Justice of the Peace, shall be fined the sum of one hundred dollars (\$100.00).

Gaming.

An. Code, 1924, sec. 244. 1912, sec. 214. 1904, sec. 199. 1888, sec. 122. 1797, ch. 110. 1826, ch. 88, sec. 1. 1842, ch. 190, sec. 5. 1853, ch. 265, sec. 1. 1856, ch. 195, sec. 1.

288. No person shall keep any gaming table, or any house, vessel or place, on land or water for the purpose of gambling.

Pinball machines held to be capable of use for gambling purposes in violation of Secs. 288-305. *Becraft v. Shipley* (Judge Parke, Circuit Court for Carroll Co.), Daily Record, May 5, 1939.

Counts under this and the following sections, and counts for keeping such a common gambling house as constituted a nuisance at common law, may be joined in one indictment. An indictment may include separate offenses in separate counts where offenses are of same general character, differing only in degree. If indictment contains one good count, a general demurrer will not prevent a judgment upon such count. An indictment held sufficient under this section and sec. 296. A witness may not be asked whether he knew of traverser's keeping, or having kept, a gaming table. *Wheeler v. State*, 42 Md. 567.

The keeping of rooms for the sale of pools on horse races and the selling of such pools or tickets is not indictable under this section or sec. 289, 296 or 299. It is playing of a game of chance which makes a gaming table criminal. How a criminal statute should be construed. (But see sec. 291, *et seq.*) *James v. State*, 63 Md. 252 (*cf. dissenting opinions*).

For a case now apparently inapplicable to this section by reason of amendments thereto, see *Baker v. State*, 2 H. & J. 5.

As to indictments for gaming, see secs. 652 and 653.

A vending machine discharging a cylinder of mint wafers on deposit of nickel and also frequently but not invariably metal discs the size of a nickel, varying in number from 2 to 20, held to be gambling device. *Gaither v. Cate*, 156 Md. 255.

"Football Pool Tickets" held not to constitute gaming table under Secs. 288-305. (*Judge Niles, Criminal Court of Baltimore*) *State v. Asner & Dolgoff*, Daily Record, Nov. 8, 1939.

An. Code, 1924, sec. 245. 1912, sec. 215. 1904, sec. 200. 1888, sec. 123. 1826, ch. 88, sec. 1. 1842, ch. 190, sec. 4.

289. Every faro table, E. O. table, equality, or any other kind of gaming table (billiard table excepted), at which any game of chance shall be played for money or any other thing, shall be deemed a gaming table.

The keeping of rooms for sale of pools on horse races and selling of such pools or tickets is not indictable under this section or sec. 288, 296 or 299. It is the playing of a game of chance which makes a gaming table criminal. How a criminal statute should be construed. (But see sec. 291, *et seq.*) *James v. State*, 63 Md. 250-1 (*cf. dissenting opinions*).

The court will take judicial knowledge of what a billiard table is, or of the difference between a billiard table and a faro table. If a billiard table is used as a faro table, it loses the immunity of former under this section. Indictment under this section held sufficient. *State v. Price*, 12 G. & J. 260.

An. Code, 1924, sec. 246. 1912, sec. 216. 1904, sec. 201. 1888, sec. 124. 1842, ch. 190, sec. 5. 1853, ch. 265, sec. 1. 1856, ch. 195, sec. 1.

290. No person shall lease or rent any house, vessel or other place to be used for gambling.

An. Code, 1924, sec. 247. 1912, sec. 217. 1904, sec. 202. 1890, ch. 206. 1894, ch. 232. 1898, ch. 285, sec. 124A.

291. It shall not be lawful for any person or persons, or association of persons, or for any corporation within the State of Maryland, to bet, wage or gamble in any manner, or by any means, or to make or sell a book or pool on the result of any trotting, pacing or running race of horses or other beasts, or race, contest or contingency of any kind, or to establish,