

first day of December in every year. For every license so granted there shall be paid by the applicant, before the issuance thereof, to the clerk of the court granting the same, the sum of five dollars for each and every day for which such license shall have been granted to said applicant; the said sum to go to the Board of County School Commissioners of the county in which such court may be located, for the use of the public schools thereof; provided, however, that the provisions of this section shall not apply to Cecil or Anne Arundel Counties.

Ch. 390, Acts of 1935, eliminating Washington County from the Counties exempt from the provisions of Sec. 291, held valid. *Miggins v. Mallott*, 169 Md. 435.

Although this section is invalid in so far as it imposed non-judicial duties on the courts, the provision exempting certain counties is valid and stands as if it were all that was ever in the section. *O'Connell v. State*, 159 Md. 376.

See notes to sec. 291.

This section referred to as showing that it was not intention of legislature to suppress horse racing or prohibit betting thereon, except as limited by various acts. *Clark v. Harford, etc., Assn.*, 118 Md. 621.

See notes to secs. 291 and 292.

An. Code, 1924, sec. 252. 1912, sec. 222. 1904, sec. 208. 1888, sec. 125. 1829, ch. 136. 1842, ch. 190, sec. 1. 1853, ch. 265, sec. 1. 1856, ch. 195, sec. 1. 1880, ch. 149. 1882, ch. 271.

296. Any person who shall keep any gaming table or other place of gambling in this State, or who shall deal at any such gaming table or other place for gambling in this State, or who shall in any way manage such gaming table or other place for gambling in this State, or who shall have any interest in any gaming table or the profits thereof, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding five hundred dollars, one-half to go to the informer, or imprisonment in jail for a period of not less than six months nor more than one year.

For abolition of informer's fees, see art. 38, sec. 3.

The keeping of rooms for sale of pools on horse races and the selling of such pools or tickets is not indictable under this section or sec. 288, 289 and 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. 252 (*cf.* dissenting opinions).

See notes to sec. 288.

An. Code, 1924, sec. 253. 1912, sec. 223. 1904, sec. 209. 1888, sec. 126. 1829, ch. 136. 1842, ch. 190, sec. 1. 1853, ch. 265, sec. 1. 1856, ch. 195, sec. 1. 1880, ch. 149. 1882, ch. 271.

297. Any owner, tenant or occupant of any building, house, vessel or place, who shall knowingly permit any gaming table to be kept in such building, house, vessel or place, or in any part of any building, house, vessel or place owned or occupied by him, or of which he is tenant, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding five hundred dollars, one-half to go to the informer, or imprisonment in jail for a period of not less than six months nor more than one year, or both fine and imprisonment in the discretion of the court.

For abolition of informer's fees, see art. 38, sec. 3.

An. Code, 1924, sec. 254. 1912, sec. 224. 1904, sec. 210. 1888, sec. 127. 1813, ch. 84.

298. Any person who may lose money at a gaming table may recover back the same as if it were a common debt, and shall be a competent witness to prove the sum he lost; but no person shall recover any money or other thing which he may have won by betting at any game or by betting in any manner whatsoever.