

indictment; and upon conviction, be adjudged to pay a sum not less than ten dollars, nor more than one hundred dollars, for each and every offence; the whole of which penalty shall, upon its being collected, be paid over by the Sheriff collecting the same, to such person as the grand jury shall name upon their presentment, as the informer, who shall be received as a competent witness; and when no informer is named, such penalty shall be paid into the public treasury as in other cases; *Provided however*, that nothing in this act contained, shall be construed to require any person or persons, or body corporate to have a license for selling or dealing in any goods, wares or merchandize, in respect of which a license is not made necessary by the act to which this is a supplement, or by any of the supplements to said act heretofore passed.

Sec. 2. *And be it enacted*, That by the license to trade, mentioned in this act, shall be understood all or any of the licenses to authorise sales required to be taken out or issued under the acts of Assembly to which this act is a supplement; that all presentments, or indictments, which charge an offence substantially in the terms of the first section of this act, shall be deemed and taken to be sufficiently well pleaded in law, to warrant a conviction and judgment; and that all competent matters tending to excuse a party presented or indicted from any obligation to take out a license under the existing laws, or from the penalty hereby created, may be given in evidence under an indictment so framed, and shall avail as a defence to, or a justification of, the matters charged according to their legal effect under the whole system.

Sec. 3. *And be it enacted*, That all sales made in the ordinary course of trade by the co-partner, wife, agent or servant, of the party presented or indicted, shall be deemed to be made by such party, and given in evidence as his act: and that the words, goods, wares, and merchandize, as used in the first section of this act, shall include spirituous and fermented liquors.

Sec. 4. *And be it enacted*, That the seventh and ninth sections of the act of eighteen hundred and twenty-seven, chapter one hundred and seventeen, shall be repealed, except the proviso of the ninth section.

Sec. 5. *And be it enacted*, That the county courts, and Baltimore city court, shall have jurisdiction of the offences created by this act as in other cases.

Sec. 6. *And be it enacted*, That nothing herein contained shall be construed to require persons to take out a li-

CHAP. 273.

Penalty.

The whole to be paid to informer. Who is made a competent witness

Proviso.

License to trade.

How construed.

Charge for offence.

Plea allowed.

Sale construed.

Items included.

7th and 9th sect's of 1827, chaps 117 repealed.

Except proviso.

Jurisdiction of courts.

Cider—small beer, distiller.