

from the hire of rooms and the sale of foods exceed the average daily receipts from the sale of alcoholic beverages, provided that the Board of License Commissioners, in any county having such a Board or in Baltimore City, may by rule or regulation prescribe a different standard as to what shall constitute a hotel.

(o) "Restaurant" means an establishment for the accommodation of the public equipped with a dining room with facilities for preparing and serving regular meals, wherein the average daily receipts from the sale of foods exceed the average daily receipts from the sale of alcoholic beverages, provided that the Board of License Commissioners, in any county having such a Board or in Baltimore City, may by rule or regulation prescribe a different standard as to what shall constitute a restaurant.

(p) The words "in this State," or "within this State" mean in or within the territorial limits of this State.

2. *Licenses and permits.* It shall be unlawful for any person to manufacture, blend, rectify, bottle, import or sell, or suffer to be manufactured, blended, rectified, bottled, imported or sold, or keep or suffer to be kept on his premises, in his possession or under his charge or control for the purpose of sale and delivery within this State, any alcoholic beverage without a license or permit, except as follows:

(a) No license or permit shall be required for the manufacture of wine or cider exclusively for home consumption and not for sale.

(b) No license or permit shall be required in the case of any common carrier, warehouseman or other lien holder, exercising his right to sell alcoholic beverages, under a lien, or any sheriff, constable, receiver, auctioneer, trustee, attorney, executor or administrator, selling alcoholic beverages under an order of Court; but no such sale shall be made except to a license holder, and if the purchaser is a retail dealer, the person making the sale shall pay the taxes imposed by Sections 37 and 37A of this Article, before delivery is made to the purchaser.

(c) No license or permit shall be required for the compounding or sale by druggists or apothecaries of medicinal, antiseptic or toilet preparations unfit for beverage purposes, nor for the compounding or sale of alcoholic beverages upon the written prescription of a qualified physician; but it shall be unlawful for any druggist or apothecary to sell alcoholic beverages for beverage purposes without a license.