

1904, art. 56, sec. 70. 1888, art. 56, sec. 65. 1860, art. 56, sec. 68. 1858, ch. 414, sec. 4. 1860, ch. 325, sec. 10.

70. If more than thirty thousand dollars, then the sum of one hundred and fifty dollars shall be demanded and received by said clerk before granting to the applicant the license applied for.

See notes to sec. 61.

Ibid. sec. 71. 1888, art. 56, sec. 66. 1860, art. 56, sec. 69. 1858, ch. 414, sec. 4. 1860, ch. 325, sec. 11.

71. No license shall be granted to sell spirituous and fermented liquors or lager beer in quantities not less than a pint for the sum of eighteen dollars, unless the person applying therefor shall also obtain a license to sell goods, chattels, wares and merchandise, paying therefor the sum hereinbefore prescribed according to the amount of his stock in trade.

See notes to sec. 61.

Ordinary Keeper.

Ibid. sec. 72. 1888, art. 56, sec. 67. 1860, art. 56, sec. 70. 1858, ch. 414, sec. 5. 1862, ch. 119.

72. If any person or body politic shall propose to open or keep an ordinary, he shall apply to the clerk of the circuit court for the county in which said applicant may reside; or, if he reside in the city of Baltimore, to the clerk of the court of common pleas for a license therefor; under which license spirituous or fermented liquors or lager beer may be bartered or sold in quantities less than a pint.

The three kinds of licenses to sell liquor, contrasted—see sections 60 and 90. An oyster or eating house license for the sale of liquor in quantities less than a pint, does not authorize the sale of liquor in greater quantities. *State v. Cahen*, 35 Md. 237.

Where a local law is in force, application must be made under it, and not under this section. *McCrea v. Billingslea*, 89 Md. 767.

For a case now apparently inapplicable to this section by reason of changes in the law, see *Keller v. State*, 11 Md. 531.

See notes to sec. 60.

Ibid. sec. 73. 1888, art. 56, sec. 68. 1860 art. 56, sec. 71. 1858, ch. 414, sec. 5.

73. The said licenses shall be granted on the following terms: The applicant shall be recommended to the clerk by two respectable freeholders of his immediate vicinity and shall make oath, to be by the said clerk administered, that he has *bona fide* and without intending to evade the requirements of this article provided and expects to maintain six good beds with sufficient covering therefor and three rooms more than sufficient for the private uses of said ordinary keeper, with stabling and provender for five horses at least; and if said applicant resides in the city of Baltimore, that he has provided and expects to maintain twelve good beds with covering as aforesaid and six rooms.

The portion of this section with reference to the applicant procuring a recommendation, etc., is a valid regulation under the police power. *Cahen v. Jarrett*, 42 Md. 577.

Cited but not construed in *State v. Cahen*, 35 Md. 237; *McCrea v. Billingslea*, 89 Md. 767.