

servants shall command, or wittingly or willingly suffer any of them to do any manner of work or labor on the Lord's day (works of necessity and charity always excepted), nor shall suffer or permit any children or servants to profane the Lord's day by gaming, fishing, fowling, hunting or unlawful pastime or recreation; and every person transgressing this section and being thereof convicted before a justice of the peace shall forfeit five dollars, to be applied to the use of the county.

Provisions of Art. 2B, authorizing certain licensees to sell beer on Sunday, supersede Secs. 560, 575 & 576 of Art. 27. *Anne Arundel Co. v. Thomas*, 172 Md. 18.

Ordinance permitting Sunday base-ball and other athletic sports between certain hours in Baltimore City, held to violate this section. "Police power" of Baltimore City. Meaning of "Work." *Mandamus*—at whose instance issued. *Levering v. Park Comms.*, 134 Md. 51 (decided in 1919). And see *Graham v. Gaither*, 140 Md. 342.

This section has been kept alive ever since its passage in 1723, having been twice re-enacted in the Codes of 1860 and 1888, and is the law of the state. *Mandamus* to police commissioner to compel enforcement of Sunday law in regard to professional baseball in Baltimore City, refused. *Graham v. Gaither*, 140 Md. 336.

Act of 1920, ch. 522, is a general law; a general law may not be passed subject to approval of the people of a portion of the state; act 1920 invalid. *Motion pictures. Levering v. Supervisors of Elections*, 137 Md. 283.

This section held to have no application in a suit against a carrier for delay in delivering cattle; the transportation of cattle by a carrier on Sunday is not illegal, but is excepted from operation of this section. Fact that cattle were transported on Sunday would, even if it were a violation of law, be no defense to above suit. *P., W. & B. Ry. Co. v. Lehman*, 56 Md. 227.

This section does not prevent a new promise made on Sunday from removing bar of statute of limitations. *Thomas v. Hunter*, 29 Md. 413.

This section is constitutional and valid; how the constitutionality of a statute may be tested. *Judefind v. State*, 78 Md. 511; *Levering v. Park Comms.*, 134 Md. 54 (decided in 1919).

As to indictments for selling liquor, unlawfully, see sec. 663.

For indictment under this section, see *Reynolds v. Russler*, 128 Md. 608.

Prosecutions for Sabbath-breaking shall be brought within one month—art. 57, sec. 12. See notes to sec. 575.

This section applies to Baltimore City as well as to the counties. *Callan v. State*, 156 Md. 459.

Ch. 287, 1931, excepting Baltimore City from this section and secs. 575 and 576 upon the passage and approval by popular vote of an ordinance governing Sunday observance in the city, held valid. *Ness v. Baltimore*, 162 Md. 531.

1931, ch. 531, sec. 483A. 1939, ch. 636.

561. Nothing contained in Section 560 of this Article, however, shall be construed as prohibiting, penalizing or making unlawful the playing of basketball or the operation of any bowling alley, ten pin alley or duck pin alley or swimming pool, between the hours of 1 P. M. and 6 P. M. on Sunday, with or without a charge or fee, or the playing, within the corporate limits of the City of Hagerstown, on the first day of the week, commonly called Sunday, of games of baseball by any person or persons who engage therein as an occupation, pursuit or business, whether the same be played for recreation or admission to said games be charged; provided, however, that it shall be unlawful for any person or persons who engage therein as an occupation, pursuit or business, to play said games of baseball on the first day of the week, commonly called Sunday, within the corporate limits of the City of Hagerstown, except between the hours of 2 P. M. and 5 P. M., or to play said games of baseball within one hundred (100) yards of any existing permanent church edifice where religious services are being held.

1931, ch. 531, sec. 483B.

562. Nothing contained in said Section 560 shall be construed as prohibiting, penalizing or making unlawful the officiating at or assisting