

traverser was licensed or was a trader. *State v. Edlavitch*, 77 Md. 147; *Flood v. State*, 103 Md. 692.

Art. 57, sec. 12, held to have no application to indictments under this section; art. 57, sec. 11, is applicable. Sections of the Code relating to the same subject-matter should be read and construed together without reference to the particular article or heading under which they may be placed. History of this section and of secs. 560 and 576. *State v. Popp*, 45 Md. 433. And see *Seim v. State*, 55 Md. 569.

Indictment under this section upheld, although it averred the sale of liquor on Sunday, July 4th, 1879, July 4th, 1879, being as a matter of fact, Friday; day of the week rather than day of month is the material averment in respect to time. *Hoover v. State*, 56 Md. 586.

Act of 1847, ch. 193, held to embrace only licensed tavernkeepers and retailers; that act held to have no application to importer authorized to sell in the form in which liquors were imported without a license from the state of Maryland. Act of 1847 as thus construed held constitutional. When indictment should ordinarily negative an exception contained in statute; this rule held inapplicable to act of 1847; indictment defective. *Bode v. State*, 7 Gill, 328; *Parkinson v. State*, 14 Md. 191.

This section referred to in sustaining demurrer to certain pleas filed by a social club in Baltimore City indicted for violation of law prohibiting liquor selling on Sunday. *State v. Md. Club*, 105 Md. 593.

This section held to have no application to members of social club who obtain liquor at the club by paying into common fund the price fixed by such club. *Seim v. State*, 55 Md. 567. And see *Conococheague Club v. State*, 116 Md. 322.

Special plea to indictment under this section held insufficient; evidence. *Lansman v. State*, 142 Md. 399.

This section held to be in force in Anne Arundel County notwithstanding act of 1886, ch. 383; indictment sustained. *Flood v. State*, 103 Md. 692.

Suffering persons to bet upon games of cards in a tavern on the Sabbath, held a violation of act of 1723, ch. 16, sec. 11. *State v. Fearson*, 2 Md. 312.

See notes to sec. 560.

An. Code, 1924, sec. 485. 1912, sec. 438. 1904, sec. 386. 1888, sec. 249. 1834, ch. 244. 1847, ch. 193. 1866, ch. 66. 1874, ch. 71.

576. It shall not be lawful to keep open or use any dancing saloon, opera house, tenpin alley, barber saloon or ball alley within this State on the Sabbath day, commonly called Sunday; and any person or persons, or body politic or corporate, who shall violate any provision of this section, or cause or knowingly permit the same to be violated by a person or persons in his, her or its employ shall be liable to indictment in any court of this State having criminal jurisdiction, and upon conviction thereof shall be fined a sum not less than fifty dollars nor more than one hundred dollars, in the discretion of the court, for the first offense; and if convicted a second time for a violation of this section, the person or persons, or body politic or corporate shall be fined a sum not less than one hundred nor more than five hundred dollars; and if a natural person shall be imprisoned, not less than ten nor more than thirty days in the discretion of the court; and in the case of any conviction or convictions under this section subsequent to the second, such person or persons, body politic or corporate shall be fined on each occasion a sum at least double that imposed upon him, her, them or it on the last preceding conviction; and if a natural person, shall be imprisoned not less than thirty nor more than sixty days in the discretion of the court; all fines to be imposed under this section shall be paid to the State.

This section is no longer applicable to Baltimore City. See notes to sec. 560. *Ness v. Baltimore*, 162 Md. 531.

Indictment for keeping opera house open on Sunday, to wit, Harford Moving Picture Parlor, was proper. Question as to whether the evidence showed that what defendant did was keeping opera house open on Sunday in violation of statute was for jury; expert testimony as to what is opera house properly excluded. *Callan v. State*, 156 Md. 459.

Provisions of Art. 2B, authorizing certain licensees to sell beer on Sunday, supersede Secs. 560, 575 and 756 of Art. 27. *Anne Arundel Co. v. Thomas*, 172 Md. 18.

Indictment should name the person to whom liquor was sold, or state that purchaser was unknown to jurors. The particular Sunday upon which the liquor was sold need not be stated in indictment. *Capritz v. State*, 1 Md. 573.

See footnote to sec. 560 and notes to secs. 560 and 576.