

If the above facts are true, in my opinion Trenth is subject to prosecution in the Criminal Court of Baltimore City for the sale of liquor without a license.

Whether the property occupied by Trenth is a part of Baltimore City or a part of Baltimore County is a very interesting question. Upon the authority of the Western Maryland Tidewater Rwy.Co. vs. Baltimore County, 106 Md., 573,

I am convinced that the Court of Appeals would for the purposes of the prosecution of this case consider Trenth within the jurisdiction of the Criminal Court of Baltimore City.

This opinion is borne out by the case of Acton vs. State, in 80 Md. I am aware that in Raab vs. State, 7 Md. 483, a different view was held. I do not believe, however, that the case of Rabb vs. State controls in the proposition now being discussed.

For additional reason in this matter, I have referred to the case of State vs. Trenth, Criminal Court Docket 1911, No. 1980, in which case Trenth was presented and indicted for selling liquor without a license. To this indictment the traverser filed a special plea insisting that the Court had no jurisdiction in the matter. Judge Duffy, in an oral opinion sustained a demurrer which was filed to this plea. The record in this case shows, however, that the traverser was subsequently found "Not Guilty" upon the facts.

For the above reasons we hold that the sale of liquor on this pavilion by Trenth without a license from the Liquor License Commissioners of Baltimore City is a violation of the law in that it is a sale of liquor within Baltimore City without a license; and we further hold that the sale of liquor by Trenth on Sunday is a violation of the law, and that Trenth is subject to prosecution for these violations in the Criminal Court of Baltimore City.

I am returning to you certain papers in the above matter handed to me by Mr. Kinsey, the Secretary of the Board.

Respectfully submitted,

ROLAND MARCHANT,

Deputy State's Attorney."

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