

a reasonable distance to assist such person or persons in the management of any such horse, horses or other draft animal that may require his assistance to control same.

1904, art. 27, sec. 402. 1888, art. 27, sec. 262. 1884, ch. 170, sec. 4. 1906, ch. 474½.

**455.\*** If any person in charge of such engine shall fail or neglect to comply with the provisions of these preceding sections he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than ten dollars, and in default of the payment of said fine, by person in charge of said engine, it shall be held for payment of said fine.

#### **Trade—Trading Stamps.**

Ibid. sec. 404. 1898, ch. 207, sec. 263A.

**456.** No person or association of persons shall, either directly or indirectly, by agent or otherwise, use or hold for use in any way, or sell any stamp commonly called a trading stamp, or any ticket, or check, or any written or printed promise or assurance, express or implied, or any other scheme or device for the sale, barter or trade of any goods, wares or merchandise, holding out as an inducement for any such sale, barter or trade the giving or issuing of any such stamp, ticket, check, promise, assurance, scheme or device, which stamp, ticket, check, promise, assurance, scheme or device is to be or may be presented to or redeemed by some person or association of persons other than those making the sale, barter or trade aforesaid, the holder of said stamp, ticket, check, promise, assurance, scheme or device for presentment or redemption getting or receiving in exchange therefor any gift, prize or gratuity, or anything uncertain, undetermined or unknown to the purchaser of said goods, wares or merchandise at the time of the purchase thereof.

The element of chance in the nature of a lottery is not found in the mere purchase of merchandise and the receipt of same, accompanied by the gift of a stamp to be redeemed by the defendant or some other party. When and under what circumstances the issue and delivery of trading stamps is legal, not being dependent upon the element of chance which partakes of the nature of a lottery. *State v. Caspare*, 115 Md. 10.

If the inducement for a sale is a stamp which would enable the holder to get something uncertain, undetermined and unknown to him at the time of the purchase, the transaction involves an element of chance in the nature of a lottery. This section is valid except in so far as it undertakes to make it a criminal offense merely to have the stamps or other articles redeemed "at any other place than where such sale, barter or trade was made." *State v. Hawkins*, 95 Md. 141.

Ibid. sec. 405. 1898, ch. 207, sec. 263B.

**457.** No person or association of persons shall, either directly or indirectly, by agent or otherwise, use or hold for use, or sell any stamp commonly called a trading stamp, or any ticket, check, promise or assurance, express or implied, or any other scheme or device of the kind or

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\*While the preamble and enacting clause of the act of 1906, chapter 474½, purport to include a section numbered 403, no such section appears in the official copy of the acts, or in the original act as passed and signed by the Governor.