

cover or wrapper in which said article is encased or enclosed the word "sterling" or the word "coin," either alone or in conjunction with any other words or marks, is guilty of a misdemeanor.

An. Code, sec. 208. 1904, sec. 190. 1900, ch. 398, sec. 119 I. 1912, ch. 639.

234. Every person, firm, corporation or association guilty of a violation of any one of the preceding sections of this sub-title, and every officer, manager, director or managing agent of any such person, firm, corporation or association directly participating in such violation or consenting thereto, shall be punished by a fine of not more than \$500 or imprisonment for not more than three months, or both, at the discretion of the Court; provided, that if the person charged with violation of this sub-title shall prove that the article concerning which the charge is made was manufactured prior to the first day of July, 1912, then the charge shall be dismissed; provided, that nothing contained in this sub-title shall be construed so as to affect any presentment, indictment or prosecution commenced or pending prior to July 1, 1912.

Fraud—Upon Turnpike.

An. Code, sec. 209. 1904, sec. 193. 1890, ch. 442.

235. If any person or persons shall, with intent to defraud any turnpike or other company authorized by law to receive tolls for use of its roads, pass through any private gate or bars, or along any grounds near said road, to avoid any tollgate and escape payment of tolls, or shall practice any fraudulent means to lessen and avoid the payment of any just tolls, or shall refuse to pay tolls he is bound by law to pay, each and every such person shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one nor more than twenty-five dollars, and upon failure to pay said fine shall be imprisoned not more than five days; provided, however, that nothing herein contained shall prohibit persons from passing upon any turnpike or toll road from one point to another between the gates upon said pike or road, nor shall prohibit persons owning lands adjacent to any tollgate from using or crossing the same for their own private purpose.¹

This section is a prohibition against travelers using a turnpike until they approach a toll gate, and then going around or avoiding the gate so as to evade payment. The using of a private road which connects with a county road cannot be said to be done with intent to defraud turnpike company. *Hagerstown Turnpike Co. v. Evers*, 130 Md. 19.

As to "Turnpike Companies," see art. 23, sec. 314, *et seq.*

¹ Sec. 194 of art. 27 of the Code of 1904, was held in *State v. Gambrill*, 115 Md. 507, to have been repealed by the act of 1910, chs. 336 and 406 (the Uniform Bills of Lading and Warehouse Receipt Acts—see arts. 14 and 14A). Sec. 194 of the Code of 1904 was repealed and re-enacted by the act of 1908, ch. 319; while the case of *State v. Gambrill* makes no mention of the act of 1908, it was decided in 1911, and presumably the act of 1908, ch. 319, as well as sec. 194 of the Code of 1904, was repealed by the acts of 1910. As to sec. 194 of the Code of 1904, see sec. 152 and notes. As to "Warehouse Receipts," see art. 14A.