

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 mere purchase of merchandise and the receipt of same, accompanied by the gift of a stamp to be redeemed by defendant or some other party. When and under what circumstances the issue and delivery of trading stamps is legal, not being dependent upon element of chance which partakes of nature of a lottery. *State v. Caspare*, 115 Md. 10; *State v. Seney Co.*, 134 Md. 437.

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

See art. 56, sec. 231.

An. Code, sec. 457. 1904, sec. 405. 1898, ch. 207, sec. 263B.

505. 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 character described in the preceding section, and thereby prohibited to be used or held for use, or to be sold when the same, instead of or in addition to the manner of redemption therein described, is to be or may be presented to or redeemed by the person or association of persons selling, bartering or trading the goods, wares or merchandise as in said section set forth, at any other place than that where said sale, barter or trade was made, or in any manner than by something certain and known to the purchaser at the time of said sale, barter or purchase; provided, however, that nothing contained in this or the preceding section is intended to prevent any manufacturer from offering any gift or present to any purchaser of his products.

An. Code, sec. 458. 1904, sec. 406. 1898, ch. 207, sec. 263C.

506. Any person or association of persons violating any of the provisions of the two preceding sections, or aiding, abetting or assisting in said violation, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace of this State or court of competent jurisdiction therein, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense, and for a second or repeated violation