

depositing at such hotel, inn, boarding house, hospital or sanitarium any baggage or property of a realizable value less than the amount of such credit or of the bill by such person incurred whether or not such person shall have made any payment on account; and every person who, after obtaining credit or accommodation at any hotel, inn, boarding house, hospital or sanitarium shall abscond or fraudulently depart or fraudulently remove his baggage therefrom without discharging the debts as aforesaid incurred, whether or not such person shall have made any payment on account, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars or by imprisonment in jail for a term of not less than one month nor more than six months, or by both such fine and imprisonment, in the discretion of the Court. And in determination of any question arising under this section the fact that any such persons so obtaining food, accommodation or credit, upon request or demand for payment of any amount then due therefor failed or neglected to comply in full with such demand shall be treated as presumptive evidence that such failure or neglect to make such payment was fraudulent even though payment of a portion of the amount then due shall have been made or a payment on account for the food, accommodation or credit so obtained had theretofore been made, and similarly the fact that the departure of any such person or removal of his baggage without first paying or discharging in full his debt as aforesaid, even though a payment on account of such debt may have been made, was without the knowledge or consent of the proprietor or manager of such hotel, inn, boarding house, hospital or sanitarium, or the representative or agent of such proprietor or manager, shall be treated as presumptive evidence that such departure or removal was fraudulent. Nothing in this Section shall apply to or affect the prosecution of any offense which may have been committed prior to June 1, 1939, or the punishment provided for such offense.

Fraud—Butter—Oleomargarine.

An. Code, 1924, sec. 156. 1912, sec. 135. 1904, sec. 122. 1888, sec. 88. 1886, ch. 455, sec. 1. 1888, ch. 312, sec. 1. 1900, ch. 496. 1910, ch. 437 (p. 87).

170. No person shall manufacture, offer or expose for sale, sell or deliver, or have in his possession with intent to sell or deliver within this State, as for natural butter, renovated butter, butter made by the Quinness patent or process, or that made by other similar process, whereby casein of milk or other ingredients are made to imitate and resemble natural butter made from cream or other substitute made or colored to imitate natural butter.

Indictment charging accused of selling substitute for butter and using words of statute, is sufficient without giving specific description or name of substitute. *Hicken v. State*, 146 Md. 252.

That the oleomargarine in traverser's possession was made in another state and was retained by him in original package unbroken; that it was a pure article of commerce though colored in imitation of yellow butter; and that traverser had not offered such oleomargarine for sale as butter constitutes a defense to an indictment under this section. It makes no difference that oleomargarine was colored in imitation of yellow butter unless it be alleged and proven that coloring matter is impure and injurious to health. Plea setting forth above facts is not bad as amounting to general issue. *McAllister v. State*, 94 Md. 299 (decided prior to act, 1910, ch. 437). And see *Medairy v. McAllister*, 97 Md. 491; *Fox v. State*, 89 Md. 381; *Rasch v. State*, 89 Md. 755.

Since a state cannot prohibit sale in original packages of oleomargarine imported from another state, this section will be so construed as to apply only to oleomargarine made in this state or not sold in original packages when imported. The state has the right, however, to prohibit sale of impure and deleterious articles of food whether imported