

An. Code, sec. 134. 1924, ch. 440.

155A. Every person who shall at any hotel, inn, boarding house, hospital, sanitarium or livery stable receive or cause to be furnished any food or accommodation for man or beast, and shall fraudulently fail to pay for the same, and every person who shall obtain credit at any hotel, inn, boarding house, hospital or sanitarium by the use of any false pretense or device, or by fraudulently depositing at such hotel, inn, boarding house, hospital or sanitarium any baggage or property of value less than the amount of such credit or of the bill by such person incurred; and every person who, after obtaining credit or accommodation at any hotel, inn, boarding house, hospital or sanitarium, shall abscond or fraudulently depart or remove his baggage therefrom without discharging the debt as aforesaid incurred, 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 such departure or removal was without the knowledge or consent of the proprietor or manager of such hotel, inn, boarding house, hospital or sanitarium or the representatives 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, 1924, or the punishment provided for such offense.¹

Fraud—Butter—Oleomargarine.

An. Code, 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).

156. 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 Guinness 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.

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

¹ Both chs. 440 and 447 of the acts of 1924 amended sec. 134 of the An. Code of 1912 and in view of the decision of the court of appeals in *Baltimore v. German Amer. Ins. Co.*, 132 Md. 380, the section as amended by both acts is codified.