

or on the happening of any contingency entitle the purchaser or holder to receive money, property or evidences of debt.

"Football Pool Tickets" held not to be lottery tickets within Secs. 405-419. (Judge Niles, Criminal Court of Baltimore.) *State v. Asner & Dolgoff*, Daily Record, Nov. 8, 1939.

In case of prosecution for violation of lottery law, this section referred to in construing sec. 5 of art. 35. *Heyward v. State*, 161 Md. 687.

See notes to secs. 306 and 411.

Cited in *Watkins v. State*, Daily Record, Dec. 5, 1939.

A lottery defined, and an Austrian bond held to be a lottery ticket within the meaning of this and the following sections; the prohibition of the sale of such bonds does not violate treaty stipulations or constitutional provisions. *Ballock v. State*, 73 Md. 2. And see *Horner v. U. S.*, 147 U. S. 449. For a definition of a lottery, see *Long v. State*, 74 Md. 568.

Where there are separate proceedings against several parties for a violation of the lottery law, a joint bill of discovery cannot be filed against them. Where parties are being prosecuted under one section of lottery law, they cannot be compelled to answer interrogatories which bear upon another section. Power of lottery commissioner to file a bill of discovery upheld. Acts of 1846, ch. 109, 1847, ch. 284, and 1854, ch. 138, construed. *Broadbent v. State*, 7 Md. 425. And as to the validity of the portion of act of 1847, ch. 284, directing answer under oath, etc., see *Day v. State*, 7 Gill, 321.

Proceedings under act of 1854, ch. 138, held to be civil actions and that part of said act prohibiting an appeal from judgment of justices, held unconstitutional. *State v. Mace*, 5 Md. 346. And see *Day v. State*, 7 Gill, 321.

As to lottery commissioners and their powers, and lotteries in general, see *Lucas v. Lottery Coms.*, 11 G. & J. 491; *State v. Scribner*, 2 G. & J. 246.

This section referred to in construing sec. 411. *Ford v. State*, 85 Md. 474.

As to indictments for lotteries, see sec. 652.

An. Code, 1924, sec. 337. 1912, sec. 303. 1904, sec. 278. 1888, sec. 173. 1856, chs. 28, 195.

406. All devices and contrivances designed to evade the provisions of the preceding section shall be deemed offenses against it.

See notes to sec. 405.

An. Code, 1924, sec. 338. 1912, sec. 304. 1904, sec. 279. 1888, sec. 174. 1860, ch. 388, sec. 1.

407. Every person, his aiders and abettors, offending against any of the provisions of the two preceding sections, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined for each offense any sum in the discretion of the court not less than two hundred dollars nor exceeding one thousand dollars, or imprisoned not less than three nor more than twelve months, or may be both fined and imprisoned as aforesaid.

See notes to sec. 405.

An. Code, 1924, sec. 339. 1912, sec. 305. 1904, sec. 280. 1888, sec. 175. 1860, ch. 388, sec. 2.

408. In addition to the penalties prescribed in the preceding section, any person who shall give money or any other thing for any lottery ticket, certificate, or any other device, by which the vendor promises that he or any other person will pay or deliver to the purchaser any money, property or evidence of debt, on the happening of any contingency in the nature of a lottery, such person so giving may recover, as small debts are recoverable, from the person to whom he gave the same, or his aiders or abettors, the sum of fifty dollars for every lottery ticket, certificate or other device in the nature thereof so purchased or obtained by him.

An. Code, 1924, sec. 340. 1912, sec. 306. 1904, sec. 281. 1888, sec. 176. 1860, ch. 388, sec. 3. 1894, ch. 310.

409. If any person shall keep any house, office or other place for the purpose of selling or bartering any lottery ticket, policy, certificate or any other thing by which the vendor or other person promises or guarantees that any particular number, character, ticket or certificate shall, in any