

the Criminal Court of Baltimore, and on conviction thereof, shall be fined in a sum not exceeding seven hundred dollars, nor less than one hundred dollars, and on conviction shall further be deemed to have forfeited his appointment as auctioneer, and shall thereby be disqualified from acting as auctioneer under the same, *provided*, it shall be competent for such auctioneer at the trial of such suit to give in evidence every matter or thing, going to show a satisfactory excuse on his part for such neglect or refusal, and that if the jury before which such suit shall be tried, shall think such excuse satisfactory, they shall return a verdict for the defendant, the defendant, however, in such case, to pay the costs of the prosecution; and *provided further*, that no suit, or indictment, or conviction, under this section, for the penalties herein contained, shall be held to bar or prevent the State from bringing such civil action or actions in any of the Courts of this State against any auctioneer, or on his bond, for the recovery of any money or moneys that may be due the State, or for the non-performance or mis-performance of any duty imposed upon him by this law, and for which a civil action would lie against him or on his bonds.

Guilty of fraud or deceit.

Penalty for.

Penalty for dividing fee or commissions.

SEC. 124. If any auctioneer shall be guilty of any fraud or deceit in the discharge of the duties of his office, or shall elude or defeat any provisions of this law, for a violation of which no penalties are therein specially prescribed, he shall be deemed guilty of a misdemeanor, and subject to presentment and indictment, in the Criminal Court of Baltimore, and on conviction thereof shall be fined in a sum not exceeding one thousand dollars, nor less than one hundred dollars for every such offence. And if any auctioneer shall pay or cause to be paid, directly or indirectly, to any trustee, attorney, executor or administrator, selling real estate or property of any kind under any order of any court, or under any power of attorney, any portion of the fee * commissions received or receivable by him, and charged by him in his account for making any sale of such real estate or property for such trustee, attorney, executor or administrator, he shall be deemed guilty of a