

matter or thing going to show a satisfactory excuse on his part for such neglect, and that if the jury before whom such suit shall be tried shall think such excuse satisfactory, they shall return a verdict for the defendant.

122. Every auctioneer who, within the period limited for his accounting, shall have made no sales of goods or property of any kind liable to auction duties, shall make and subscribe an affidavit of those facts before the judge of the Court of Common Pleas, and shall transmit a copy of the said affidavit, certified by said judge, to the Treasurer, within the same time that an account is required to be rendered, under the penalty prescribed in the last preceding section.

123. It shall not be lawful for the Governor to nominate to the Senate as auctioneer any person who shall have not settled in full at the treasury office for all amounts due from him on account of auction duties.

124. If any person appointed auctioneer shall be guilty of any fraud or deceit in the discharge of the duties of his office, or shall elude or defeat any provision of this law, he shall on conviction forfeit the sum of one thousand dollars as a penalty of every such offence, to be recovered by any person who will sue for the same, by action, or by indictment in the Criminal Court, one moiety thereof to the use of such person, the other moiety to the use of the State.

125. If no person shall, within seven days after any such offence shall be committed, prosecute for the penalties imposed by this law, the Treasurer, upon information thereof having come to his knowledge, shall direct the State's Attorney for the city of Baltimore to prosecute for the same; and the penalties when recovered shall be paid into the treasury for the use of the State.

126. If any person shall wilfully swear falsely touching any matter hereinbefore required to be verified by oath, he shall suffer the pains and penalties which by law are prescribed for wilful and corrupt perjury, and if an auctioneer, shall forfeit his office.

127. The proceeds of said auction duties to the amount of twenty thousand dollars shall be appropriated annually for the