

limited for rendering such accounts or transmitting such duplicates as provided in section 108, or shall refuse or neglect to pay over to the comptroller of the city the money or moneys due from him to the State for duties, according to law, within thirty days after rendering such account, he shall, in and for each and every such case of refusal or neglect, be deemed guilty of a misdemeanor, and shall be subject to presentment and indictment in 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 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 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 that may be due the State, or for the non-performance or misperformance of any duty imposed upon him by this sub-title of this article, and for which a civil action would lie against him or on his bond.

P. L. L., (1860,) art 4, sec. 122.

111. 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 State treasurer, within the same time that an account is required to be rendered, under the penalty prescribed in the last preceding section.

Ibid. sec 123.

112. It shall not be lawful for the governor to nominate to the senate as auctioneer any person who shall not have settled in