

fine of one hundred dollars and imprisonment for one month for each subsequent offense. All indictments under sections 122, 123, 124 and 125 of this article shall be prosecuted as though the same had not been repealed and re-enacted.

McAllister v. State, 72 Md. 390. Wright v State, 88 Md. 437. Fox v. State, 89 Md. 384. Hancock v. State, 89 Md. 724

Fraud—Conversion by Factors of Consigned Goods.

1888, art 27, sec. 92. 1888, ch. 293.

126. Any factor, commission merchant or consignee, or any person selling goods on commission, or the agent, clerk or servant of such person, who shall convert to his own use any provisions, fruits, flour, meat, butter, cheese or any other property, or the proceeds of the same, shall be deemed guilty of a misdemeanor, and upon indictment and conviction in any court of this State having criminal jurisdiction shall be fined not more than one thousand dollars or be imprisoned not exceeding six months, or both, in the discretion of the court; and the failure to pay over the avails or proceeds received by any factor, commission merchant, consignee or person selling goods or produce on commission, less his proper charges, within five days after receiving the money or its equivalent from the purchaser or purchasers of said goods or produce and demand made therefor by the person entitled to receive the same, or his or her duly authorized agent, shall be *prima facie* evidence in any court of law in this State to establish the conversion of said goods or produce.

1890, ch. 619, sec. 92A.

127. Every factor, commission merchant or consignee, and every person selling on commission any farm products of persons within this State, such as vegetables, fruit, grain, tobacco, poultry, eggs, cattle, swine or any other farm products whatsoever, shall require of every purchaser at the time of making such sale or sales to deposit with such factor, commission merchant, consignee or agent the full market value of all vessels, such as crates, boxes, barrels, bags, baskets, casks or any other vessel or vessels used in the packing and transportation of any such farm products, to be fixed by such factor, commission merchant, consignee or agent. Such deposit shall be refunded to such purchaser or to the person entitled to receive the same in case he brings back within five days and delivers to such factor, commission merchant, agent or consignee the aforementioned vessel or vessels in as good condition as when