

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.

P. L. L. (1860), Art. 4, sec. 123. P. L. L. (1888), Art. 4, sec. 112.

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

P. L. L. (1860), Art. 4, sec. 124. 1872, ch. 249. P. L. L. (1888), Art. 4, sec. 113.

271. 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 subdivision of this Article, for a violation of which no penalties are therein specially prescribed, he shall be 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 offense; 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 or commission 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 misdemeanor, and on conviction thereof in the Criminal Court of Baltimore shall be fined in a sum not exceeding two hundred dollars, nor less than fifty dollars, for every such offense, and such trustee, attorney, executor or administrator receiving or retaining such portion of such fee or commissions, and not accounting for it to the proper parties, shall be liable in a suit on his bond for double the amount so received or retained by him, to the *cestui que trust*, the principal, or to any person interested in the estate which he represents.

P. L. L. (1860), Art. 4, sec. 125. P. L. L. (1888), Art. 4, sec. 114.

272. If any person shall, within seven days after any such offense shall be committed, prosecute for the penalties imposed by this subdivision of this Article, the State 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.

P. L. L. (1860), Art. 4, sec. 126. P. L. L. (1888), Art. 4, sec. 115.

273. If any person shall wilfully swear falsely touching any matter hereinbefore required in this subdivision of this Article 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 also forfeit his office.