

V. **And be it enacted,** That any justice of the peace for Baltimore county, on his own view, or information on oath or affirmation of any credible person, of any person, not appointed as aforesaid, selling any property at auction contrary to this act, may issue his warrant to the sheriff or any constable of Baltimore county, to apprehend such person, and oblige him to recognise, with one or more securities, for his good behaviour and appearance at the next general or county court, to answer for such offence, and in case of refusal, may commit such person to the gaol of Baltimore county until he finds such security; and if any person shall, during the continuance of his recognizance, sell any property at auction contrary to this act, such selling shall be a breach of his recognizance.

C H A P  
XII.  
Justice may  
issue his war-  
rant, &c.

VI. **And be it enacted,** That the said auctioniers appointed by, or to be appointed by, virtue of this act, shall be allowed, for their trouble in the sale at auction, and for collecting and paying over the money without any deduction (unless the sale shall be on credit by direction of the owner,) the following commission, to wit: For goods, wares or merchandize, at the rate of two and an half *per cent.* for negroes at the rate of one *per cent.* for live stock, household goods, wearing apparel or furniture, at the rate of five *per cent.*

Auctioniers  
commission.

VII. **And be it enacted,** That the said auctioniers shall pay at the rate of five shillings for every hundred pounds, on the amount of all the sales made by them, to the port wardens of the town of Baltimore, to be applied by them towards defraying the expence of cleansing and deepening the basin of the said town, and shall once in every three months account to the said wardens, on oath or affirmation, to be applied by the said wardens of Baltimore-town for the purposes aforesaid; and the bonds of the said auctioniers shall be answerable, and may be sued by the said wardens, for any breach in not rendering account, or in neglect of payment, as above required.

Who are to  
pay five shil-  
lings, &c.

VIII. **And be it enacted,** That nothing in this act contained shall prevent the sheriff, constable or other officer, of Baltimore county, from selling at auction any property taken in execution, or distrained for rent, or liable to be sold by law, or executors or administrators, as such, from selling the estate of deceased persons, in the same manner as if this act had not been made.

Sheriffs, &c.  
may sell, &c.

IX. This act to commence on the first day of January next, and continue seven years, and until the end of the next session of assembly which shall happen thereafter.

Commence-  
ment, &c.

C H A P. XIII.

An ACT for the relief of sundry insolvent debtors confined in sundry gaols of this state.

Passed De-  
cember 14.

**W**HEREAS Leonard Harbaugh, Thomas Yates, John Baxley, John Talbot Risteau, and Conrod Appleman, prisoners confined in the gaol of Baltimore county, Hyland Price, a prisoner confined in the gaol of Cæcil county, Benjamin Lane, a prisoner confined in the gaol of Anne-Arundel county, Smith Middleton, of Charles county, Quayle Charles Christian, of Talbot county, William Perkins, of Kent county, and Nathaniel Pigman, of Montgomery county, by their petitions to this general assembly have set forth, that by reason of many misfortunes they are unable wholly to satisfy their creditors, and have prayed that they may be discharged from further confinement, upon their delivering up all their property for the use of their creditors; and the prayer of the said petitions being found reasonable; therefore,

Preamble.

II. **Be it enacted,** by the General Assembly of Maryland, That in case the said Leonard Harbaugh, Thomas Yates, John Baxley, John Talbot Risteau, Conrod Appleman, Hyland Price, Benjamin Lane, Smith Middleton, Quayle Charles Christian, William Perkins, of Kent county, and Nathaniel Pigman, shall, before some justice of the peace for the county where they reside, make and subscribe the following oath, to wit: "I, A. B. do swear, or affirm, that I will deliver up, convey and transfer, to the use of my creditors, all my property, real, personal or mixed.

Certain debt-  
ors released on  
making oath,  
&c.