

CHAP. 111 swear or affirm, that the account now exhibited by me, and to which I have subscribed my name, contains a just and true account of all the goods, wares, merchandize and effects, sold by me at public sale, or by my co-partner or co-partners, or agents, within the time mentioned in said account, and of the days upon which the same were respectively sold; that I have examined the entries of the sales mentioned in said account, in the books kept by me for that purpose, and fully believe this account to be in all respects correct, and further, that I have during the time therein mentioned, conformed in all things to the true intent and meaning of the act, entitled an act to regulate sales by public auction, according to the best of my knowledge, information and belief, and all and every the partner and partners of any such auctioneer, clerk or clerks residing in this state, shall also make and subscribe an oath, to be endorsed on the said account, that he or they respectively believe the said account to be correct, and true in every particular; and every such auctioneer shall within thirty days after the rendering such account, and taking such oath or affirmation, pay the amount of duty upon such account of sales, to the treasurer of the Western Shore.

Additional oaths.

Pay duty to treasurer

Auctioneer neglecting his recognizance — to account for to prove his account — forfeit.

Sec. 9. *And be it enacted*, That if any auctioneer appointed and qualified under this act, shall refuse or neglect to deliver, or cause to be delivered, to the Treasurer of the Western Shore, a duplicate of the record of his recognizance as prescribed by this act, or if he shall neglect or refuse to render an account, or to pay the money due from him to the state, for duties according to law, or to make oath or affirmation as by this act directed, or to transmit to the treasurer of the Western Shore such account as directed by this act, the said treasurer shall in every such case, provided he has no satisfactory excuse shewn to him for such neglect within a reasonable time, to be judged of by said treasurer, certify and publish such neglect or refusal, in one or more of the public newspapers published in this state, and from the time of publishing such advertisement, such delinquent auctioneer shall be deemed to have forfeited his appointment, and shall thereby be disqualified from acting as an auctioneer under the same, and every such person so neglecting or refusing, shall also for every such offence, forfeit seven hundred and fifty dollars, which forfeiture the said treasurer shall direct the attorney general to cause to be sued for and recovered in the name and for the use of this state, in any court of record, having cognizance thereof: *Provided, however*, That it shall be competent for such auctioneer, at the trial of such suit, to give in evidence every matter or thing, going to shew a satisfactory excuse for such neglect on his part, 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.

Proviso.

Articles exempted

Sec. 10. *And be it enacted*, That all lands and tenements, goods, belonging to this state, or the United States, all goods and chattels which shall be seized by any public officer for or on account of any forfeiture or penalty, ships and vessels, goods and effects of deceased persons, or goods distrained for