

teries, the time or place of such assault and battery in the recognizance or commitment on which the said person is tried, but the said person may be tried on a recognizance or commitment for a common assault and battery, and shall be sentenced by the court according to the facts proved at the trial.

231. In case the said person is tried upon a presentment or indictment, it shall only be necessary to allege in the presentment or indictment that the offense was committed between the hours aforesaid, and that it was committed on a highway in the City of Baltimore, or at a place of public resort or amusement, without setting forth said highway or place of public resort or amusement by name.

AUCTIONS.

232. All real estate, and all goods, wares, merchandise, stock, and every other species of personal property whatever (except goods and other property belonging to this State or the United States, or which shall be seized by any public officer for or on account of any penalty or forfeiture, or taken in execution, and all goods distrained for rent, utensils of husbandry, and all articles of the growth or produce of this State), which shall at any time be exposed to sale by public auction within the City of Baltimore, shall be subject, each and every time they or any of them shall be struck off, to duties, at the following rates:

233. All real estate and vessels, all wines and ardent spirits, foreign and domestic, all goods, wares, merchandise and effects imported from any place beyond the Cape of Good Hope, all stock of banks or other incorporated institutions, State or City loans, goods and effects of deceased persons or insolvent debtors, or property sold under an order or decree of any court, at the rate of fifty cents on every hundred dollars; and raw cotton and provisions, coffee, tea, sugar and molasses, foreign and domestic, at the rate of ten cents on every hundred dollars, except in cases where an auctioneer shall have taken out a special license at the rate of seventy-five dollars per annum to sell at public auction, stocks of banks or other incorporated institutions, State or City loans, when, and in which event, but not