

CHAP.
XXX.

Auctioneer
answerable for
one per cent.
&c.

Governor and
council may
remove aucti-
oneer, &c.

Bond may be
put in suit for
property not
sold, &c.

Justice may
issue warrant
against unli-
censed per-
sons, &c.

Lieutenant,
&c. may sell
property tak-
en in executi-
on, &c.

Auctioneers
commission.

Auctioneer
may appoint a
deputy, &c.

III. And be it enacted, That every auctioneer, licensed agreeable to this act, shall be answerable to this state, and his bond and securities liable for the payment of one pound on every hundred pounds of property by him sold at auction, and in the same proportion for any greater or less sum, and shall once in every three months (or oftener if required by the governor and the council) account on oath, and pay the same to the treasurer of his shire, and in case of neglect his bond shall be sued for the payment of the money due, with an interest of ten per cent.

IV. And be it enacted, That the governor and the council may remove any auctioneer for misbehaviour in his office, and may appoint another in his stead; and in case any auctioneer shall resign his appointment, or remove out of the county, or die, the governor and the council may appoint another in the place of the auctioneer so resigning, removing, or dying.

V. And be it enacted, That the bond given by any auctioneer may be put in suit by any person entrusting property in his hands for sale for recovery of the property if not sold, and if sold the money by him received, or which he agreed to collect or to be answerable for, with an interest of ten per cent. and the bond of such auctioneer shall be liable for every breach of the condition to the amount of the penalty, and if judgment shall be rendered on such bond, any person injured may issue *scire facias* to recover the damages by him sustained.

VI. And be it enacted, That any justice of the peace, on his own view, or information on oath or affirmation, of any credible person, of any person not licensed selling any property at auction, may issue his warrant to any sheriff or constable to apprehend such person, and oblige him to recognize 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 his county until he finds such security; and if any person shall, during the continuance of his recognizance, sell any property at auction, such selling shall be a breach of his recognizance.

VII. And be it enacted, That nothing in this act contained shall prevent any lieutenant, sheriff, constable, or other officer, from selling at auction any property taken in execution or distrained for rent, and liable to be sold by law.

VIII. And be it enacted, That every auctioneer shall be allowed for his trouble of the sale at auction, and for collecting and paying over the money, without any deduction, unless the sale shall be on credit by the direction of the owner, the following commission, to wit: For household goods, cattle, or live stock, three per cent. for horses, two and an half per cent, for ships or other vessels, houses or lands, one half per cent. for goods, wares, and merchandise, two and an half per cent. for negroes one per cent.

IX. And be it enacted, That any auctioneer, licensed by the governor and the council as aforesaid, after he hath given bond as aforesaid, may appoint and license in writing any person of his county of reputation and property, to be his deputy auctioneer during his pleasure, or