

C H A P.
XI.Bond may be
put in suit,
&c.

V. And be it enacted, That the bond given by the auctioneer aforesaid 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 the said 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.

Justice may
issue warrants
against per-
sons selling
without li-
cence, &c.

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, 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.

Auctioneer
may appoint a
deputy, &c.

VII. And be it enacted, That any auctioneer appointed in virtue of this act, after he hath given bond as aforesaid, may appoint and license in writing any person of reputation and property, to be his deputy auctioneer during his pleasure, or for any limited time, not exceeding one year, for whose conduct he shall be answerable, and his bond and securities liable for the payment of the aforesaid sum of one pound for every hundred pounds of property, and in the same proportion for any greater or less sum sold by such deputy at auction, to the commissioners aforesaid, in the same manner as he is answerable for any property sold by himself; and such deputy shall, before he acts as such, under the penalty of one hundred pounds current money, take an oath faithfully and honestly to execute the office and trust reposed in him as deputy auctioneer for the town aforesaid, and well and faithfully to perform the several duties required of him by law, without any partiality, fraud, or deceit; which any justice of the peace, or any one of the said commissioners, may administer.

Auctioneer's
allowance, &c.

VIII. And be it enacted, That every auctioneer appointed in virtue of this act, 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 direction of the owner) the following commission, to wit: For houses or lands, ships or other vessels, one half per cent. for negroes one per cent. for goods, wares, or merchandise, two and an half per cent. for cattle or live stock three per cent. and for household goods or furniture five per cent.

Lieutenant,
&c. may sell
property tak-
en in execu-
tion, &c.

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

Continuance.

X. This act to continue three years, and until the end of the next session of assembly which shall happen thereafter.

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