

IV. 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 twenty per cent. per year; 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.

C H A P.
LXI.

Bond may be
put in suit,
&c.

V. 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.

Justice may
issue warrant,
&c.

VI. 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 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
may appoint a
deputy, &c.

VII. 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 goods, wares, or merchandise, live stock, household goods or furniture, at the rate of two and an half per cent. for negroes, at the rate of one per cent. for vessels under or at a hundred pounds, at the rate of one per cent. if above one hundred pounds, and under or at a thousand pounds, at the rate of one half per cent. and at the rate of one quarter per cent. on all above the sum last mentioned.

His commis-
sion.

VIII. And be it enacted, That the said auctioneer, over and above his commission for his trouble, shall receive on all vessels at the rate of one quarter per cent. and on all other property, except as aforesaid, at the rate of one half per cent. and shall pay the same to the special commissioners of Baltimore-town, appointed or to be appointed in virtue of the act of November session seventeen hundred and eighty-two, entitled, An act for the more effectual paving the streets of Baltimore-town in Baltimore county, and for other purposes, and shall, once in every three months, account to them upon oath, and pay the money as received by him, to be applied by the said commissioners of Baltimore-town to the amending and paving the streets thereof; and the bond of the said auctioneer shall be answerable, and may be sued by the said commissioners, for any breach in not rendering account, or in neglect of payment as above required.

To receive
rate for use of
special com-
missioners, &c.