

C H A P. LX.

An ACT for the benefit of Mary Fitzhugh, the wife of George Fitzhugh, of Baltimore county. PR.

C H A P. LXI.

An ACT to regulate auctions in Baltimore-town, in Baltimore county.

B *Be it enacted, by the general assembly of Maryland,* That after the passing this law, no person shall act as an auctioneer, within Baltimore-town, in Baltimore county, or within one mile of the said town, unless licensed and appointed agreeable to this act; and if any person, without such licence, shall sell any property, except land, houses, and real property whatsoever, at auction, within the said town of Baltimore, or within one mile thereof, and be thereof convicted in the general court, or Baltimore county court, such person shall forfeit and pay ten pounds current money for every hundred pounds of property by him so sold, and in the same proportion for any greater or less sum; and any person employing any person not licensed as aforesaid to sell any property at auction within the said town, or one mile thereof, shall forfeit and pay ten pounds like money for every hundred pounds of property so sold by his direction, or with his consent, and in the same proportion for any greater or less sum, to be recovered as aforesaid.

No person to act as auctioneer without licence, &c.

II. *And be it enacted,* That Thomas Yates is hereby licensed and appointed auctioneer for the said town, who shall, before he acts as such, (under the penalty of two hundred pounds current money,) give bond in the penalty of five thousand pounds current money, with such sureties as the commissioners of the said town shall approve, with condition, that he will faithfully execute the office and trust reposed in him as auctioneer for Baltimore-town, agreeable to law, and in all things well and faithfully execute and perform the several duties required of him by this act; and take the following oath, (which any justice of the peace, or any one of the said commissioners, may administer,) to wit: "I _____ do swear, that I will faithfully and honestly execute the office and trust reposed in me as auctioneer for Baltimore-town, and will well and faithfully perform the several duties required of me by law, without any partiality, fraud or deceit."

T. Yates appointed, &c.

III. *And be it enacted,* That the commissioners of the town aforesaid may remove the auctioneer aforesaid for misbehaviour in his office, and may appoint another in his stead, and in case the said auctioneer shall resign his appointment, or remove out of the said town, or die, the commissioners aforesaid may appoint another in the place of the auctioneer so resigning, removing or dying.

May be removed, &c.

IV. *And be it enacted,* That the bond given by the auctioneer aforesaid may be put in suit by any person intrusting 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.

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.

Justices may issue warrants &c.