

1789. — Chapter 59.

[January Session, ch. 32.]

AN ACT TO REPEAL AN ACT MADE AND PASSED MARCH THE SEVENTH SEVENTEEN HUNDRED & EIGHTY ONE ENTITLED “AN ACT TO REGULATE THE SALE OF GOODS AT PUBLIC VENDUE, & TO LIMIT THE NUMBER OF AUCTIONEERS” AND TO REGULATE THE SALE OF GOODS BY AUCTION.

Preamble.

Whereas a law of this Commonwealth passed in the year seventeen hundred and eighty one, intituled, “An Act to regulate the sale of goods at public vendue, and to limit the number of Auctioneers has been found to be inexpedient and inefficient for the purposes therein intended; Therefore

Former law repealed.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that the said Act and every clause thereof from and after the first day of May next be, and hereby is repealed.

Proviso.

Provided nevertheless, that all forfeitures and penalties that may have arisen, and all sums that may be due to this Commonwealth from any auctioneer by virtue of said act at the time this act shall take effect, shall and may be recovered as by said Act was prescribed, the said Act being hereby repealed notwithstanding.

Penalty, in case of a breach of this law.

*And be it further enacted, that if any person or persons shall from & after the first day of May One thousand seven hundred and ninety, presume to sell at public vendue, Auction or out cry, any goods, chattels, wares or merchandize whatsoever, without being approbated by the Selectmen or the major part of them of the town to which such person or persons belong, and having first obtained a licence under the hand of the Treasurer of this Commonwealth for the time being, such person or persons so offending shall forfeit a sum, not more than *fifteen pounds* nor less than *forty shillings*, at the discretion of the Court before whom the offence shall be tried; and that the Selectmen or the major part of them of the respective towns in this Commonwealth, at a meeting called for that purpose, be, and they hereby are empowered, from time to time by writing under their hands, to approve some suitable person or persons for that purpose, for a term not exceeding one year from the day of grant-*

Selectmen empowered to approbate persons.

ing such approbation; and for which certificate of approbation, the person receiving the same shall pay to the use of the Selectmen granting it, the sum of *six shillings*; and the Selectmen are hereby directed to record every certificate of approbation they may so grant.

And be it further enacted, that the Treasurer of this Commonwealth for the time being be & he hereby is directed & empowered to make out and deliver to each & every person applying for the same, a licence for making sale of goods at Public Vendue; such person first producing a certificate of approbation under the hands of the major part of the Selectmen of the town such person may be an inhabitant of, and also paying the sum by this law prescribed to the said Treasurer. Treasurer to grant licenses.

And be it further enacted, that there shall be paid to the said Treasurer for the use of this Commonwealth, from every person to be licenced as aforesaid, the sums following, Vizt., For granting a licence to an Auctioneer within the limits of the town of *Boston*, the sum of *Eighteen pounds*; For such licence to any person in the towns of *Salem, Beverly & Newbury Port* the sum of *Fifteen pounds*; — For such licence to every other person in any other Seaport town within this Commonwealth, the sum of *Six pounds*; For such licence to any person in any of the inland towns within this Commonwealth, the sum of *One pound ten shillings*. Sums paid by licenced persons.

And be it further enacted, that if any person licenced as aforesaid, shall presume to sell at public vendue, auction or out cry, any goods, wares, or merchandize in any other town, than that whereof he is an inhabitant, wherein any person is licenced as aforesaid, he shall for each offence forfeit the sum of *twenty pounds*. Forfeiture.

Provided nevertheless, that any auctioneer licenced as aforesaid, may make sale at Public auction of any property in any other Town than that whereof he is an inhabitant, wherein there shall be no licenced auctioneer who shall be an inhabitant of such town. Proviso.

And be it further enacted, that no licence granted by the Treasurer as aforesaid, shall be of any effect longer than one year after the date thereof. Term of time.

And be it further enacted, that no person thus licenced shall receive goods for sale of any Servant or Minor, nor shall he vend any of his goods by auction, but in the hours between Sun rising and sun setting, upon the penalty Restrictions.

of forfeiting the sum of *twenty pounds*, for every such offence.

Forfeiture and penalties. —

And be it further enacted, that all forfeitures and penalties mentioned in this Act, may be recovered by action of debt brought in any Court of record proper to try the same; and the said forfeitures shall be for the sole use of the person who shall sue for the same.

Their use.

Selectmen to grant a permit.

And be it further enacted by the authority aforesaid, that the Selectmen for the time being in any town within this Commonwealth, where there is no licenced Auctioneer, be and hereby are authorized and impowered to grant a permit to any inhabitant of their respective towns, to sell within such town at Public vendue, auction, or out cry, any real estate, farming utensils, live stock, household furniture, or vessels, their tackle, apparel or furniture being the property of said inhabitant.

Proviso.

Provided nevertheless, that nothing in this act shall be construed to prevent any Sheriff, Deputy Sheriff, Coroner, Constable, or Collector of taxes from selling at auction or public outcry, any goods or chattels by them respectively taken by execution, or Warrant of distress, in the execution of their respective offices, or to debar any Executor or Administrator from selling any of the Testator's or Intestate's Lands goods or chattels, which they by law are authorized to sell.

March 9, 1790.