

wealth of Pennsylvania in General Assembly met, and by the authority of the same, That the act, entitled "An act to suspend the operation for a limited time of the several laws of this commonwealth for making the bills of credit of the United States a legal tender in the payment of debts equal to gold and silver,"<sup>1</sup> passed the thirty-first day of May, one thousand seven hundred and eighty, be and is hereby continued in full force until the end of the next sitting of the general assembly, and no longer.

Passed September 22, 1780. See the note to the Act of Assembly passed May 31, 1780, Chapter 911; and the Act of Assembly passed June 21, 1781, Chapter 945. Recorded L. B. No. 1, p. 402, &c.

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#### CHAPTER CMXIX.

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AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT FOR THE EFFECTUAL SUPPRESSION OF PUBLIC AUCTION AND VENDUES AND PROHIBIT MALE PERSONS CAPABLE OF BEARING ARMS FROM BEING HAWKERS AND PEDDLERS."<sup>2</sup>

(Section I, P. L.) Whereas it appears to be necessary in the present situation of the trade and commerce of this state that the sale of goods at public vendue should be enlarged and extended:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act it shall and may be lawful for the president or vice-president in council to appoint and license three auctioneers, one for the city of Philadelphia, one for the Northern Liberties and one for the district of Southwark, who shall continue for and during the will and pleasure of the said president and council, and shall give bond to the president and his successors, with two sufficient sureties in the sum of twenty thou-

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<sup>1</sup> Chapter 911.

<sup>2</sup> Passed November 26, 1779, Chapter 870.

sand pounds, for the faithful discharge of their duties, and for well and truly performing the terms and payments in and by this act directed and required.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said auctioneers and no other shall, from and after the publication of this act, have full power and authority to set up and expose to sale by public outcry and vendue, all and any houses, lands, goods, wares and merchandises and property whatsoever, negroes and mulatto slaves excepted, rendering and paying to the state treasurer for the use of the commonwealth one per centum of the gross amount of the sales so by him or them made as aforesaid, in manner following, That is to say: That each and every of the said auctioneers shall, once in every three month[s], render an account upon oath to the said treasurer (which oath he is hereby empowered to administer and is directed to file the said account with the said oath in his office) of all the effects and property by him or them sold at any time before the said time of rendering the same account and since his last settlement, and shall then immediately pay to the same treasurer the full amount of the said one pound in the hundred pounds upon the same account; and upon any failure in rendering the same account upon oath, or of payment of the said sum of one per centum, any auctioneer so failing or neglecting shall be discharged from his place and the said bond put immediately in suit. And if any person or persons other than the said auctioneers shall be found selling or disposing of any lands, tenements, goods, wares, merchandises or property whatsoever within the city of Philadelphia, the Northern Liberties or the district of Southwark, except as hereinafter is excepted by way of vendue or auction such person or persons so offending and being thereof legally convict[ed] shall, for every such offense, forfeit the sum of twenty thousand pounds to the use of the poor of the city, liberties or district where such offense shall be committed. And, moreover, it shall and may be lawful for any justice of the peace of the said city, liberties or district, respectively, upon his own view or on the testimony and information of one or more creditable witnesses to him given of any persons

selling any lands, tenements, goods, wares, merchandise or other property whatever by way of vendue or auction as aforesaid, except as by this act is excepted, within the said city, district or liberties to cause such person or persons so offending to [be] apprehended and may oblige him, her or them to find sureties for his, her or their good behavior and appearance at the next court of quarter sessions of the peace to be held for the said city, liberties or districts, respectively.

[Section III.] And it is further declared, That if the party so bound over, shall, during the continuance of his, her and their recognizances, presume again to sell or expose to sale by way of vendue as aforesaid any lands, tenements, goods, wares, merchandise or other property whatsoever within the said city, liberties or district, such selling or exposing to sale shall be deemed and is hereby declared to be a breach of the said recognizance.

[Section IV.] (Section IV, P. L.) Provided always, and it is hereby further enacted, That nothing herein contained shall extend or be construed to extend to hinder any lawful executor or executors, administrator or administrators, to expose to sale by way of public auction, vendue or otherwise, any lands, tenements, goods or chattels of their respective testators or intestates or to hinder any sheriff, constable, lieutenant or sub-lieutenant or other officer to sell and dispose of by way of vendue any lands, tenements, goods or chattels taken in execution and liable to be sold by order of law, or to hinder any person or persons from selling or exposing to sale by way of vendue any goods or chattels of any kind whatsoever taken and distrained for rent in arrear, but that all and every [such] person or persons may do therein as they might have done, any [prohibition] in this or any former law contained to the contrary notwithstanding.

(Section V, P. L.) And whereas the crime of horse stealing is become so frequent in this and the neighboring states as to render every precaution and remedy necessary and proper:

[Section V.] (Section VI, P. L.) Be it therefore enacted by the authority aforesaid, That each and every of the said auctioneers shall keep a register of the horses, mares [or] geld-

ings by them respectively exposed to sale, in their respective offices, wherein shall, before sale, be inserted the color, size and principal marks, natural and artificial, of every horse, mare or gelding by him exposed to sale, and the age, as the intended vendor shall declare it, the name or names of the persons offering the same for sale, and after the sale the name of the person to whom the same is sold, which said register is hereby declared to be so far a public record as that every person shall be entitled to a view thereof and a copy, if demanded, paying for such inspection the sum of two dollars and for such copy the sum of six dollars, and shall be read in evidence on any trial respecting the property of such horse, mare or gelding.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That no sale of any stolen horse, mare or gelding by virtue of this act shall be deemed a public sale in market overt, so as to change the property thereof.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That no vendue shall be held by the said auctioneers, or any of them, out of the city or district for which he or they shall be appointed, and that their fees or recompense for selling at public auction, collecting the money and paying over the same without loss or waste shall be as follows: For household goods, cattle and live stock, five per centum; for horses, two and a half per centum; for ships, houses and lands an half per centum; for rum, sugar, tea, coffee and all other groceries, two and a half per centum; for European and American manufactures, in such lots or proportions as are usually sold in wholesale stores, five per centum.

Passed September 23, 1780. See the note to the Act of Assembly passed November 26, 1779, Chapter 370; and the Acts of Assembly passed April 13, 1782, Chapter 975; December 9, 1783, Chapter 1063. Recorded L. B. No. 1, p. 402, &c.