

The Statutes of His Majesty's Province of Upper-Canada, Passed in the second session of the seventh provincial parliament of Upper-Canada (1818). York: R. C. Horne, 1818.

58 George III – Chapter 6 (Session 2)

An Act Granting to His Majesty a Duty on Licences to Auctioneers, and on Goods, Wares and Merchandise sold by Auction. Passed 1st April, 1818.

Most Gracious Sovereign,

Whereas it is expedient to increase the Revenue of this Province, to meet the increased Expenditure of the same, and whereas it would be for the advantage of the said Province if all Persons using or exercising the Trade or Business of an Auctioneer, should be obliged to take out a Licence for that purpose, specifying their Names and Places of Abode respectively, and to grant unto Your Majesty a certain Rate upon all Sales of Goods, Wares and Merchandise whatsoever, sold by way of Auction, as herein-after mentioned: We Your Majesty's Dutiful and Loyal Subjects, the Commons of Upper-Canada, in Provincial Parliament assembled, do most humbly Beseech your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province." and by the authority of the same, that from and after the passing of this Act, all and every person or persons who shall exercise the calling or occupation of an Auctioneer, shall and they are hereby required to take out a Licence as aforesaid on or before the First day of June next, before he, she, or they shall presume hereafter to exercise such calling or occupation of an Auctioneer.

II. And be it further enacted by the authority aforesaid, That all and every person or persons who shall exercise the calling or occupation of an Auctioneer shall yield and pay Annually to and for the use of His Majesty, His Heirs and Successors, for a Licence to use and exercise the said calling or occupation, the Sum of Five Pounds.

III. And be it further enacted by the authority aforesaid, That the Licences herein before mentioned shall be granted by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and for every such Licence that shall be delivered, there shall be paid by the Person or Persons applying for the same to the Collector, the Sum of Five Shillings Current Money, and no more, for issuing the same.

IV. And be it further enacted by the authority aforesaid, That any person or persons who shall neglect to take out such Licence as aforesaid, and on or before the Fifth day of

January hereafter in each and every year, during the continuance of this Act, and shall so continue to exercise the said Trade or Business of an Auctioneer, or who shall neglect to exhibit, in a conspicuous manner at his Auction Room, his Name and Trade as such Auctioneer, shall upon the Oath of one or more credible Witness or Witnesses, other than the Informer, for each and every of the said negligences or offences, forfeit and pay the Sum of Twenty Pounds, to be recovered before any three or more of His Majesty's Justices of the Peace, in the District where such offence shall have been charged to have been committed, the party or parties being first Summoned to attend, which Justices are hereby authorised and required to issue their Warrant, and cause the penalty as aforesaid, with reasonable Costs and Charges, to be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the overplus, if any there be, after deducting the reasonable charges for taking the said Distress, and for want of sufficient Distress, the Offender or Offenders, shall be sent to the Common Gaol of the District, for such time, not exceeding six months.

V. And be it further enacted by the authority aforesaid, That from and after the First day of June next, there shall be raised, levied, collected, and paid in such manner as hereinafter is mentioned to and for the use of His Majesty, His Heirs and Successors, to and for the public uses of this Province, and the support of the Government, thereof, for and upon, all manner of sales of Goods, Wares and Merchandize, by way of Auction as aforesaid, in the Province of Upper-Canada, the respective Rates and Duties hereinafter expressed, that is to say: the Sum of Two Pounds Ten Shillings for every Hundred Pounds, and in the same proportion for every greater or lesser Sum of the purchase money arising by Sale at Public Auction, of such Goods, Wares and Merchandize, the said respective Rates and Duties to be paid by every such Auctioneer, out of the Monies arising at each and every such Sale at Auction as aforesaid.

VI. And be it further enacted by the authority aforesaid, That each and every person acting as aforesaid at every such public sale at Auction in any part of this Province, to His Majesty, His Heirs and Successors, which Security, the Collector to be appointed for granting such Licence as aforesaid, shall and they are hereby authorized to take with condition that he will within Sixty Days, after every such Sale, deliver in an exact and particular Account to such person or persons as shall be appointed to deliver out the Licences as aforesaid, in writing, of the total amount of the Money bid at each Sale, and of the several Articles, Lots or Parcels which shall have been there sold, and the price of each and every such Article, Lot or Parcel, and at the same time, make payment of all such Sum and Sums of Money as shall be due and payable to His Majesty, in pursuance of, and according to the true, intent and meaning of this Act, which sum or sums of money he is hereby authorised and empowered to retian out of the produce arising by such Sale, or deposit made at such Sale or otherwise, recover the same by action of Debt or on the Case, against the person or persons by whom such Auctioneer shall be employed, or on whose account such Goods, Wares and Merchandise shall be so sold, and every Person so acting as Auctioneer, or the Person who acted as his Clerk, at such Sale, if any, shall make Oath to the Truth of each and every such Account before the

Person or Persons issuing such Licence, as aforesaid, or before some one of His Majesty's Justices of the Peace for the District in which such Auctioneer shall reside; which Oath, the said Person or Persons issuing such Licence as aforesaid, and such Magistrate, is and are hereby authorised and empowered to administer.

VII. Provided also, and it is hereby further enacted by the authority aforesaid, That nothing in this Act contained, shall extend or be construed to extend to charge with the said Rate or Duty, any Goods, Wares and Merchandise sold at Auction under the authority of any Sheriff, Under Sheriff or Constable. And provided also, That nothing in this Act contained shall extend or be construed to extend to affect any sale of Farming Stock, or Utensils of Husbandry, or Household Furniture that have been in use, any thing to the contrary hereof notwithstanding.

VI. Provided always, and it is hereby further enacted by the authority aforesaid, That nothing herein contained, shall extend or be construed to extend to restrain any Seller by Auction, or Person acting as Auctioneer at any Sales by way or Auction, from making it a condition of Sale, that the Pound Rate granted by this Act, or any certain portion thereof, shall be paid by the Purchaser, over and above the price bidden at such Sale by Auction: and in such case, the Person so acting as Auctioneer is hereby authorised and required to demand payment of the said Duty from such Purchaser or Purchasers, or such portion thereof as expressed in such Condition or Agreement, and upon neglect or refusal to pay the same, such Bidding shall be null and void to all intents and purposes.

IX. And be it further enacted by the authority aforesaid, That the Moiety of every pecuniary Penalty or Satisfaction by this Act imposed, shall belong to His Majesty, his Heirs and Successors, and shall also be paid by the person or persons respectively receiving the same into the hands of the Receiver General to and for the use or His Majesty His Heirs and Successors for the public uses of this Province, and towards the support of the Civil Government thereof, to be accounted for to His Majesty through the Lords Commissioners of his Treasury for the time being, in such manner and form as it shall please His Majesty to direct; and the other Moiety thereof to the Informer or Person who shall sue for the same.

X. And be it further enacted by the authority aforesaid, That the Collectors acting by virtue of and under the authority of this Act, shall, and they are hereby required to make Returns to the Inspector General of this Province, and transmit all such Moines as may come to their Hands, to the Receiver General of the Province, in like manner and subject to the same pains and penalties as Inspectors and Collectors now are by virtue of any Law now in force in this Province.

XI. And be it further enacted by the authority aforesaid, That the said Collector shall retain and take at the rate of Five Pounds, for every Hundred Pounds, which he shall so collect as aforesaid, during the continuance of this Act, and all Monies so paid by the said Collector into the hands of the Receiver General, shall be by him accounted for to

His Majesty, his Heirs and Successors, through the Lords Commissioners of his Treasury for the time being, in such manner and form as His Majesty, his Heirs and Successors shall be graciously pleased to direct.

XII. And be it further enacted by the authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons, for any thing done in pursuance of this Act, such Action or Suit shall be commenced within Six Months next after the matter or thing done, and not afterwards.

XIII. And be it further enacted by the authority aforesaid, That this Act shall continue and be in force for the space of Four Years, next ensuing the passing thereof, and from thence to the end of the then next ensuing Session of Parliament.