

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1786. Saint John, NB: J. Ryan, 1786.

26 George III – Chapter 44

An Act to Regulate the Sale of Goods sold at Public Auction or Out-Cry

I. Be it enacted by the Governor, Council and Assembly,
That all goods, chattels, wares, merchandizes, and effects whatsoever, which shall or may at any time or times, from and after the publication hereof and during the continuance of this act, be sold at public vendue, auction or outcry within this province, by any vendue master or vendue masters, auctioneer or auctioneers, or by any other person or persons whatsoever, shall be and hereby are declared and made subject to a duty of two pounds ten shillings for every hundred pounds of the value or price at which the same shall be sold as aforesaid, and after the same rate for every greater or lesser sum, to be paid by such person or persons, who shall so sell the same as aforesaid.

II. Provided always, That all goods belonging to the crown, or seized by any public officer or officers, for or on account of any forfeiture or forfeitures, penalty or penalties, houses, cattle, lands, ships and vessels, goods and effects of deceased persons, or goods distrained for rent, or taken in execution, effects of insolvent debtors, household furniture, goods damaged at sea and sold on account of the owners or insurers within twenty one days after the same shall be landed, shall in no wise be subject to, but are hereby altogether exempted and declared, free from the duty before mentioned.

III. And in order more effectually, to secure the duty hereby imposed as aforesaid: Be it further enacted, That no vendue master or vendue masters, auctioneer or auctioneers, or any other person or persons whatsoever, shall presume to sell or dispose of any goods, chattels, wares, merchandizes or effects at public vendue, auction or outcry, unless he or they first enter into recognizance to our sovereign lord the King, his heirs and successors, before any one of the judges of the supreme court of this province, or one of the judges of the inferior court of common pleas in any of the counties, in the penal sum of two hundred pounds current money of this province with two sufficient securities, each in the sum of one hundred pounds, like money, conditioned for the payment of the duties herein before mentioned, to the treasurer of this province for the time being, and in all things well and faithfully to behave according to the true intent and meaning of this act, which recognizance shall be filed with such judge before whom it shall be taken; and such vendue master or vendue masters, auctioneer or auctioneers, and every other person or persons who shall at any time or times during the continuance of this act, either for him or themselves, or on his, or their own account, or for or on account of any other person or persons whomsoever, sell or dispose of any goods, chattels, wares, merchandizes or effects, at public vendue, auction, or outcry, shall at or within twenty days after the expiration of every three months from the commencement of this act, render a

just, exact and true account in writing, upon oath, to the treasurer of this province for the time being, of all and singular the goods, wares, merchandizes and effects, with the amount thereof, which he or they shall have so sold and disposed of at public vendue, auction or outcry, at each such sale as aforesaid, and shall within twenty one days thereafter, pay to the said treasurer for the time-being, the sum of two pounds ten shillings out of every hundred pounds value for every such respective sale, and at the same rate for a greater or lesser value, which oath shall be in the following words, viz. I A. B. do solemnly swear in the presence of Almighty GOD, that the account now exhibited by me and to which I have subscribed my name, contains a just and true account of all the goods, wares, merchandizes and effects, sold by me, or any person or persons under me, within the time in the said account mentioned, which are liable to the duty imposed by an act, entitled "An act to regulate the sale of goods at public vendue, auction or outcry, within this province So help me GOD." And if the said vendue master, auctioneer or auctioneers, neglect or refuse to deliver such account on oath, and pay the duty within the time limited as aforesaid, he or they so neglecting or refusing, shall respectively forfeit the sum of fifty pounds for every offence, which forfeiture the treasurer of the province for the time being is hereby empowered and directed to sue for in any court of record in this province.

IV. And be it further enacted, That any person or persons presuming to sell, or dispose of any goods, wares or merchandizes, at public vendue or out-cry, without first entering into recognizance as above directed, shall forfeit the sum of one hundred pounds, for every offence, to be recovered in the manner above directed.

V. And be it further enacted, That the treasurer for the time being shall keep exact and distinct accounts of the monies arising from time to time by virtue of this act; which monies shall remain in the hands of the treasurer for the use of the province.

VI. And he it further enacted, That this act shall be in force until the first day of March, which shall be in the year of our Lord one thousand seven hundred and ninety.