

CHAPTER 26.

An Act Relating to Auctioneers.

March 4, 1854.

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Auctioneers to be appointed.

Be it enacted by the Legislative Assembly of the Territory of Minnesota: The Governor of this Territory shall appoint for the term of one year, one or more persons, who shall be legal voters, in each county in the Territory, to be auctioneers, and the person or persons receiving such appointment, shall pay to the clerk of the Board of County Commissioners, for the use of said county where such persons reside, the sum of one hundred dollars annually.

When and how to take effect.

Sec. 2. No appointment under this act shall take effect until the payment of the one hundred dollars mentioned in the first section of this act to the Clerk of the Board of County Commissioners of the county in which said appointee shall reside, and it is hereby made the duty of the said Clerk to record every appointment made and forthwith pay over to the Treasurer of the county the amount so paid taking the Treasurer's receipt therefor.

To give bonds.

Sec. 3. Each Auctioneer, before making any sales as Auctioneer shall give a bond to the Treasurer of the County in which he or they reside, with two or more sufficient sureties, to be approved by the said Treasurer, in such penal sum as the said Treasurer shall require, not less than one thousand dollars, nor more than three thousand dollars; with condition to pay all auction duties required by law to the Treasurer of the said County, and also, that he shall in all things well and truly conform to the laws relating to auctioneers; which bond shall be filed in the office of said Treasurer, with the endorsement of his approval thereon.

Penalties.

Sec. 4. If any person licensed as aforesaid, shall receive for sale at auction, any goods, wares, merchandise, or personal property from any minor or servant, knowing him or her to be such servant or minor, or shall sell by auction any of his own goods before sunrise, or after sunset, he shall forfeit a sum not exceeding two hundred dollars for each and every offence.

To keep account.

Sec. 5. Every licensed Auctioneer, shall keep a fair and particular account of all goods, chattels and property sold by him, the names of the persons from whom the same were received, and the names of the persons to whom the same shall have been sold.

Penalties.

Sec. 6. If any person, not licensed and qualified as an Auctioneer, as prescribed in the preceding sections of this act, shall sell, or attempt to sell, any real or personal estate, goods, wares, merchandise or chattels whatsoever, by way of public auction, he shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, for each and every offence.

Penalties.

Sec. 7. The tenant or occupant of any house or store, having the actual possession and control of the same, who shall knowingly permit any person to sell any real or personal estate by public auction in his said house or store, or in any apartment or yard appurtenant to the same, contrary to the provisions of this chapter, shall forfeit a sum not exceeding three hundred dollars.

SEC. 8. Nothing in this chapter, shall extend to sales made by sheriffs, deputy sheriffs, coroners, constables or collectors of taxes.

SEC. 9. No appointment granted as aforesaid, shall remain in force more than one year from the date thereof.

SEC. 10. All appointments of auctioneers heretofore made, and all privileges and rights in virtue thereof, shall cease and determine, at the time the provisions of this chapter shall take effect.

SEC. 11. No person, in virtue of any appointment heretofore made, shall be deemed a licensed Auctioneer. But every person holding such appointment, shall be subject to all the provisions of this chapter, in the same manner as all other persons not being appointed as above provided.

Who deemed licensed.

SEC. 12. This act shall take effect from and after its passage, and all laws and parts of laws inconsistent with the provisions of this act, are hereby repealed.

When to take effect.

SEC. 13. No person, or association of persons, or body corporate, except such bodies corporate as are expressly authorized by law, shall issue any bills or promissory notes, or checks, certificates of deposit, or other evidences of debt, for the purpose of loaning them, or putting them in circulation as money, unless thereto especially authorised by law: and every person and every member of a corporation, who shall violate either of the provisions of this section, shall forfeit for each and every such violation, the sum of one hundred dollars.

Prohibitions to issue bills, &c.

Penalty.

SEC. 14. No person shall pay, give or receive in payment, or in any way circulate or attempt to circulate as money, any bank bill, or promissory note, check, draft, or other evidence of debt which shall purport to be for payment of a less sum than one dollar, or payable otherwise than in lawful money of the United States; and any person who shall wilfully violate any of the provisions of this section, shall forfeit twenty-five dollars.

Penalty.

SEC. 15. The penalties prescribed in this chapter shall be recovered by suit in the name of the Board of County Commissioners of the county in which the offence is committed; to be prosecuted by the District Attorneys of said counties respectively: and the same shall be paid into the County Treasury.

Penalties how recovered.

SEC. 16. If the District Attorney, or Board of County Commissioners whose duty it is to comply with any of the requisitions of this chapter, shall neglect or refuse so to do, he or they shall forfeit and pay a sum of not less than ten, or more than one hundred dollars, for each and every day he or they shall delay a compliance.

Penalty.

N. C. D. TAYLOR,

Speaker of the House of Representatives.

S. B. OLMSTEAD,

President of the Council.

APPROVED—March fourth, one thousand eight hundred and fifty-four.

W. A. GORMAN.

SECRETARY'S OFFICE,
St. Paul, March 30th, 1851. }

I hereby certify the foregoing to be a correct copy of the original act an file in this office.

J. TRAVIS ROSSER,

Secretary of the Territory of Minnesota.