

the **AUCTIONEER**



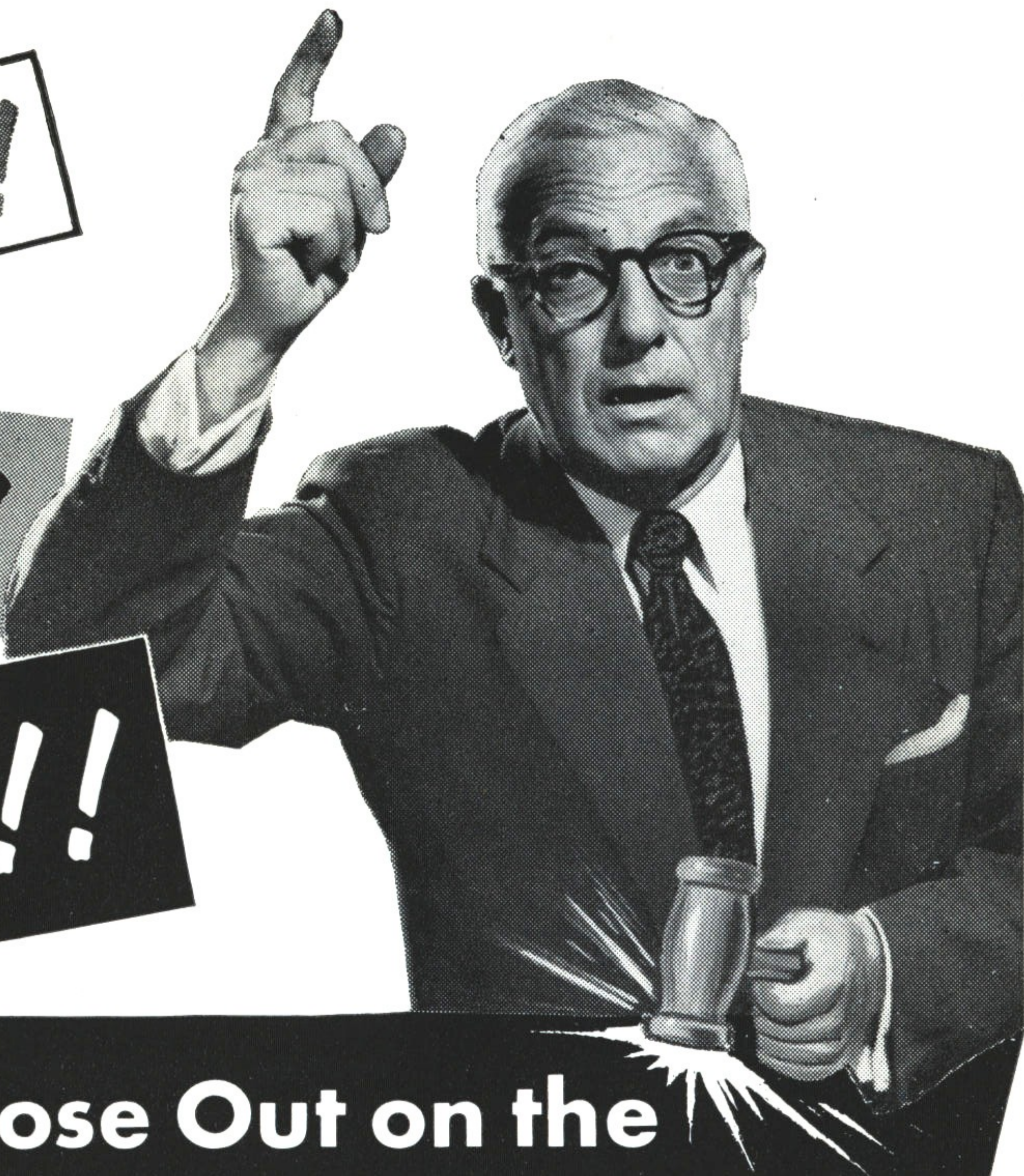
1955

As we enter into a New Year, may our minds be broadened and our hearts opened. Let us strive to improve our abilities as Auctioneers, render better services to the public, cast out petty jealousies and lend a helping hand to those with less experiences in Auctioneering. In so doing we will be helping our profession—and ourselves.

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GOING!

GONE!!



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Indiana

The Role of Auctions In Farm Machine Merchandising

By RALPH C. HOOK, JR.
Hook Truck & Tractor Co.
Lee's Summit, Mo.

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of Implement & Tractor*

Auctions are NOT, of their nature, immoral, unethical, uneconomic or poor business practice. This statement also applies to the used farm equipment auctions that are held regularly at central locations throughout the country. Some manufacturers, trade associations and dealers have condemned these auctions, yet they continue to grow. Rather than take the restricted view that auctions are fundamentally evil it would seem wise to study them and find out why they are here, if they are here to stay, and what direction their growth might take.

It is not difficult to determine that farm equipment auctions are handling a growing volume of used equipment. Both buyers and sellers are plentiful. When buyers are willing to pay cash and provide transportation for the merchandise, there must be a demand for the goods offered. A partial explanation for the success of used farm equipment auctions is that they have helped perform the task of redistribution of equipment. Auctions actually provide a source of supply for machines for which there is a local demand.

As in the case of all auctions, items are turned quickly. Thus, if a dealer has some slow moving items he can rapidly convert them to cash via the auctions. This feature should have some appeal for those dealers who still have items they have had on hand for several months, or even years, and which they are extremely anxious to move.

A new merchant who has entered the scene following the development of the used farm equipment auctions is the so-

called "jockey" or "trucker." These merchants can be found at auctions, both buying and selling in their own name. They buy goods at an auction where the demand is slight and take them to another auction where they hope the demand will be greater. This merchant helps to equalize the prices in different locations. With this type of activity taking place and with auctions being held in a number of different locations, we have the basis for some realistic wholesale prices. P. & H. Listings contains the current prices at a number of these auction sales and is published monthly. (This was written without author's knowledge of I&T's arrangement with P&H Listings to publish their reported prices). This is a service beneficial in the merchandising of used farm equipment.

At the auction you have a contest between buyer and seller without the distorting influence of over-allowances, or time sales. For other types of commodities such as livestock, grain, and produce, the price determined at the auction is considered the most realistic price, and is recognized as THE market price. Possibly this will be true in the case of prices of used farm equipment in the future. Certainly in the automobile industry auction prices are closely watched.

Summing up, used farm equipment auctions seem to result in the following beneficial activities:

1. Establishment of realistic, current wholesale prices.
2. Provision of a source of supply.
3. Makes possible a quick way to turn



Ralph C. Hook, Jr.

Engraving through courtesy of I. & T.

slow moving items into cash.

4. Helps redistribute equipment.

So far, the arguments all seem to favor the growth of the used farm equipment auctions. It appears, however, that a large number of people dislike these auctions. Maybe we can determine just why this is true. The operator of one auction had a major line contract last year, but has not had this contract extended due to the fact that he operated an auction. This and other examples of which you may be aware make it clear that some executive personnel of some manufacturers dislike the auctions. Why? The answer lies partially in the fact that some new equipment frequently appears in the auction sale. Worse yet, these new machines frequently sell below dealers' cost. The manufacturer may not fully appreciate the auction price but actually that is what the item is really worth under the supply and demand conditions prevailing at the time

the price was established. The reason a dealer sells for less than cost is that he has been overloaded in relation to economic factors prevailing in his trade territory and some of his equipment notes are coming due. It appears that some manufacturers are, at least, partially responsible for the appearance of new items in auction sales.

Dealers operating near an auction often have no use for it. I contacted all of the dealers in the area around one of the well-attended central auctions and found that no dealers in the territory made use of the auction or even occasionally attended it. In contrast to this observation there is evidence that a great many dealers attend auctions to buy and sell machinery so they undoubtedly feel that auctions are of some benefit. Situations are localized due to personalities or to being too close to a service or both.

A common criticism by dealers is that the auction loads the community with a lot of old equipment. I am not convinced that this is a valid criticism. My investigation indicates that the major portion of the machinery sold is purchased by "out-of-town" dealers and the so-called "jockeys" and "truckers" previously mentioned. If a farmer does buy, he is probably the cash shopper who would not allow the dealer to make a legitimate profit anyway.

Another argument against the auction is that it demoralizes the local market for used farm equipment. It may force a more realistic approach to the pricing of used equipment, but a responsible dealer who reconditions and guarantees his trade-ins and has credit facilities available, is still going to find a ready market for his merchandise. Auctions have to be considered in accepting trade-ins on new merchandise also. Local dealers will be hurt if they allow farmers to purchase used equipment at auction and then turn around and sell that same equipment to the dealers for several hundred dollars more on a trade-in. It has happened!

The fact that farmers can buy merchandise at most of the used farm equipment auctions today causes a great deal

(Continued on Next Page)

of the opposition to auctions among dealers who, otherwise, tend to favor their existence. This need not be the case. The trading at an auction can be limited to dealer-members. In the automobile industry the "wholesale" auctions are "closed" in that only dealers can buy and sell. Actually this is not a serious barrier as practically anyone can become a dealer. Take note of how broad an interpretation is present among some manufacturers when they grant franchises to farmers.

In the case of the commodity auctions only members may trade. At least one used farm equipment auction has been set up for trading by dealer members only. (See "A Central Exchange Is Organized," *Implement & Tractor*, April 24, 1954.) The results of this service could influence the trend of used farm equipment auctions in the future.

The very fact that used farm equipment has only recently become an important factor in the market can be attributed to the growing maturity of the industry. In only the last few years has the market for farm equipment become largely a replacement market. For example, a dealer must now sell two used tractors for each new one that he sells. The auction seems to fit into this new sales environment for used units can be sold without trade-ins, thus allowing more time for the sale of new merchandise.

In appraising the future role of the used farm equipment auctions, I believe that they will become increasingly significant marketing factors.

The environment in which they operate may undergo change, but the economic functions they perform of providing a supply source, a method of quick sale and the geographical redistribution of equipment are essential to orderly marketing. Auctions and "truckers" are new middlemen in the farm equipment marketing pattern. Whether they develop as "good" or "evil" forces in the trade depends on a "rational" rather than an "emotional" approach in directing the development of their ethics and their activities.

Col. Charles Wooley Home From Hospital

Col. Charles Woolley, of Allentown, New Jersey, one of the better known Auctioneers in the east, has returned to his home after spending nine months in the hospital.

Col. Woolley was stricken in November 1953, and rushed to the hospital where he underwent a major surgical operation from which he made a rapid recovery. Shortly thereafter, he was again taken ill and reentered the hospital where he remained for nine months. His many friends will be happy to learn of his recovery and to know that he will soon be in the harness again, wielding a new gavel made from a mahogany chair leg that he once sold for Early American Pine.

Acacia VIII Bids Total \$3.56 a Pound

SAN FRANCISCO — Acacia VIII, the Shorthorn steer donated and fed by Mr. and Mrs. Roy Woods, Paicines, enriched the fund for the Children's Hospital of East Bay, Oakland, by \$3.56 a lb. Auctioning of this steer, an annual event at the Grand National Livestock Exposition, was done midway through the fat cattle sale here November 5.

With a solidly-packed rooting section of Bay Area "Acacia" ladies who work year around collecting funds for the Children's Hospital, the Woods-donated Shorthorn was sold and resold five times to reach the \$3.56 a lb. aggregate.

Highest individual bid was turned in by John Baumgartner, San Martin, past president, California Cattlemen's Assn., at \$1.25 a lb. Baumgartner immediately turned the steer back for resale. Then on two different bids and resales a group of cattlemen represented by Robert Law, Paicine Ranch, Tres Pinos, paid an additional \$1.65 a lb. This was followed by a donation-bid of 32c a lb. from Frank J. Dutra, Orinda.

Final purchaser at 33c a lb. was P. L. Castro, Castro Meat Co., Richmond.

What Do YOU Want in a National Auctioneer's Convention

A Message From Your President



Col. H. W. Sigrist

Nearly one-half of the time since the 1954 convention is gone, and it is not too early to begin to think about the 1955 Convention. Of course, you know it is to be held in **Indianapolis, Indiana**, and the dates are **July 14, 15, 16**, and the place is **The Claypool Hotel**.

Your President, Secretary and the President of the Indiana State Association have been at the Indianapolis Convention Bureau and in touch with the management of the Claypool, planning for your comfort in an **all air conditioned** Hotel, and at a moderate price. All rooms are not only air conditioned, but have for your convenience and entertainment, both radio and television without additional charge.

Rooms will start at \$5.50 for a room with double bed and about \$8.00 for one with twin beds. Of course, you can pay more—up to \$40.00 or \$50.00 per day. However, since our members in the N. A. A. are not too many in this class, we did not investigate thoroughly in the top bracket.

What your officers and committee are planning for you and your stay in Indianapolis, are comfortable quarters at reasonable prices and located in easy reach of the shopping centers, eating houses and entertainment for the ladies or those not wishing to attend every session of the Convention.

We have also arranged, not only for an ample Convention assembly room, but also ample committee rooms. There will also be available space, should we desire to divide the programs into special classifications of the auction business.

Now comes my question—What do you want in a National Convention?

Shortly after the first of the year, the Program Committee will be getting together to plan the program. Do you want panel discussions or addresses from outstanding business men and highly successful auctioneers? Do you want to dance or have a public speaker in the evening? Do you want an entertainer or entertainers? Do you want the banquet on Friday or Saturday night?

Won't YOU write to your N.A.A. Secretary or to me and give us your own idea of what you want in a National Convention.

H. W. Sigrist, President,
National Auctioneers Assn.

X Women need never expect to be men's equal until they can sport a bald spot on top of their heads and still think they're handsome.

2 Wheelbarrows Full of Auction Hardware Started McDevitt Firm

Submitted by Col. B. G. Coats

SEASIDE HEIGHTS, N. J.—A couple of wheelbarrows full of hardware items bought at an auction sale in 1927 was the birth of the McDevitt hardware business here.

Now, 27 years and one generation later, sons Hugh, John and James McDevitt are carrying on the business built by Patrick McDevitt on a basis of service to the man "who wants to do his work around the house."

Mr. McDevitt started in business here at 308 Boulevard in 1922 with a country store, with the accent on food, and a side line of housewares for the convenience of his customers.

"Pop always was interested in hardware," son James explains, "so when he came home with those two wheelbarrows of hardware he bought at an auction, he decided to concentrate on that business."

The three sons, fresh out of the armed forces in 1947, succeeded their father in the store.

It was a natural step because the brothers had been thoroly schooled in the business since they were old enough to help out in the store.

Sons Had Building Experience

On top of this practical hardware experience, the brothers all have had experience during the slack season in the building trades as masons, electricians, carpenters, plumbers and painters. This was part of the "do it yourself" program started by Mr. McDevitt offering professional advice for home repairs and additions.

The company's policy of free advice on home repairs and construction has paid off for the McDevitts as the company now is one of the largest in this section of Ocean County.

"It carried us thru the depression," James explained, "and we look for it to

keep our business up during the present recession."

He added that the business this year "looks good" and should be the equal of last year "despite the slight recession."

In 1948, the brothers expanded the business to include major appliances. In 1950, they branched out with a second store at 1205 Grand Central Avenue, Lavallette, and formed the McDevitt Hardware Corporation.

Hugh, president of the corporation, and John, vice president, operate the Seaside Heights store. James, secretary-treasurer, manages the Lavallette operation.

The stores now stock a full line of hardware, paints, housewares and both electric and gas appliances. The company also is a Mobil-Flame bottle gas dealer.

Trained in Service Work

The three brothers and all clerks are trained in service and installation work. This phase of the business is handled under the direction of John McDevitt, who is service manager.

Unlike many hardware and appliance stores in large Shore communities, that have a year-round flow of business, the McDevitt company gears itself for the spring and summer rush of the resort communities, which makes it necessary to warehouse huge inventories.

"Whenever feasible," Hugh McDevitt said recently, "we buy in carload lots so we will have the merchandise on hand for the seasonal rush."

The brothers explained that they stock heavy in houseware items now and know from experience just what items the summer home owner and tourist court operator will select. The houseware stock is long on utilitarian value and short on gadgets.

To take care of the big inventories,

the company maintains warehouses in Ocean Beach, Seaside Heights and in conjunction with both stores.

Altho he no longer has an active interest in the business, the senior McDevitt, who is over 80, generally can be seen at the Seaside Heights store and always is available when business or technical advice is needed.

Hugh Is the 'Joiner'

Besides his business activity, Hugh McDevitt is a Seaside Heights boro councilman, a member of the local fire department, Shore Boro Post, American Legion, and the Rotary Club. Hugh is the "joiner" of the family, his brothers say. He was a former lieutenant in Army Ordnance.

John McDevitt, youngest of the brothers in the business, is a member of the Air Force Reserve and the American Legion. He was an Air Force lieutenant.

James McDevitt, oldest of the brothers in the corporation, is a member of the American Legion and a charter member of the Tri-Boro First Aid Squad. He was a staff sergeant in Special Services during World War II.

A fourth brother, Joseph McDevitt, who worked in the store when it was operated by their father, now is police chief here.

The brothers are married, have families, and attend Our Lady of Perpetual Help Catholic Church here.

Pennsylvania Group To Meet January 8 & 9

Members of the Pennsylvania Auctioneers Association will hold their annual banquet and meeting at the Hotel Harrisburger in Harrisburg, January 8 and 9. A full program is planned including a discussion of the proposed License Law published elsewhere in this issue.

Col. Lee Pillsbury, President and Col. Woodrow Roth, Secretary, invite every auctioneer to attend, and, due to the importance of the meeting, it is the duty of every Pennsylvania auctioneer to be present.

X When your wife tells you to wait a minute, you become the man of the hour.

How Many New Members Have You Sponsored?

Are you doing your part in expanding the membership of YOUR National Auctioneers Association? Of the 31 memberships received in the period from November 16 through December 15, a large percentage are new members, in fact 23 are becoming members of the NAA for the first time. This indicates that a FEW of our members are doing their part.

Illinois leads in members for the 30 day period with six, the other 25 being well distributed among 18 states with only one (Ohio) having more than two. Following is a list of the memberships received. The asterisk denotes renewal.

- Col. Joe Burgert, Oklahoma
- Col. C. William Cubberly, New Jersey
- Col. Ernest L. Cox, Jr.,
Massachusetts
- *Col. Earl Penfield, South Dakota
- Col. Harry L. Hoffman, Virginia
- Col. Murray A. Adams, Georgia
- Col. T. Lynn Davis, Georgia
- *Col. Gerald N. Mead, New York
- Col. Frank A. Sloan, Minnesota
- Col. John A. Case, Indiana
- Col. Walter T. Kirkeminde, Kansas
- *Col. George G. Borum, Illinois
- *Col. Oris Cornwell, Ohio
- Col. Lou Winters, Ohio
- Col. Sylvester L. Otten, Wisconsin
- *Col. Robert H. Gilman, Jr., Illinois
- Col. Edward Schmaedeke, Illinois
- *Col. A. R. McGowen, Illinois
- Col. Ed Rogers, Nebraska
- Col. Harold Manville, Michigan
- Col. R. E. Jenkins, Ohio
- Col. Hubert Bull, Illinois
- *Col. H. B. Sager, Montana
- *Col. Ray Elliott, Indiana
- Col. Raymond Gerbitz, Kansas
- Col. J. M. Gamsjager, Oklahoma
- Col. William Cox, Illinois
- Col. C. V. Davidson, Missouri
- Col. Jerry Ondracek, Missouri
- Col. H. D. Darnell, Kentucky
- Col. H. J. Neitderhisar, Iowa

Auction Markets Ask Revised US Brucellosis Law

BILLINGS, Mont.—Request for consideration of the position of the livestock auction markets in respect to the proposed federal regulations governing the interstate movement of cattle because of brucellosis came from headquarters of the National Livestock Auction Assn.

President Danny O'Neill of Havre released the contents of a bulletin addressed to all livestock auction markets in the nation as well as a letter to the USDA pointing out the discriminatory provisions of proposed regulations of the Agricultural Research Service of the USDA through its disease eradication branch in respect to brucellosis.

Points Involved

The points involved specifically called to the attention of the USDA by the livestock association were the definition of a stockyards as only one where federal inspection is maintained and the classifying of brucellosis affected cattle as condemned cattle.

"The proposed regulation governing the interstate shipment of cattle in respect to brucellosis," O'Neill said, "disregards the vital role that livestock auction markets in the nation play in cattle marketing. Auction markets have provided at considerable expense to themselves veterinarian facilities for the vaccination and testing of cattle for brucellosis. These facilities are used by qualified state veterinarians in all of the states.

Complaint Made

"In hardly any instance, however, does the Agricultural Marketing Service maintain a federal inspector for the inspection of livestock for communicable diseases at our markets. The proposed regulations permit the shipment of brucellosis-affected cattle only directly to a slaughtering plant for immediate slaughter or to a stockyard where federal inspection is maintained for resale for immediate slaughter.

"Besides, cattle not known to be affected with brucellosis can be moved interstate for slaughter only direct to a slaughtering plant or to a stockyard maintaining federal inspection without restriction," O'Neill said.

Sanders Cites Fund

C. T. "Tad" Sanders, Billings, secretary-manager of the National Livestock Auction Assn., stated that Congress in August had appropriated \$15,000,000 per year for two years to assist in a co-operative federal and state program for eradicating brucellosis. Under such appropriation indemnities may be paid for brucellosis affected cattle.

"To require the marketing of brucellosis affected cattle for slaughter," Sanders said, "only at those few livestock markets where federal inspection is maintained and to treat the same in the market of origin as condemned cattle is grossly discriminatory. Accredited veterinarians are fully qualified to act in this respect as in the initial certifying of cattle for movement."

ANTIQUES

X I've hunted for various relics,
For pewter and china and glass,
For door knockers fashioned of iron,
And candlesticks molded of brass.

I've rummaged through thousands of
attics
For tiles that were made by the Dutch,
I've chased after butterfly tables,
And highboys and lowboys and such.

I once found a moth-eaten "Persian"
That I gloatingly thought was a "wow"
But a connoisseur bug said I'd conned
a sour rug,
And it's out in the dog kennel now.

I've a passion for prints and for paintings
That are hoary with dust for the past,
But it's funny the kind that I always
find
Were created the year before last.

The treasures I've found they are legion,
But the very best find of them all
Was a bottle of old "Crab Orchard"
In the wreck of a restaurant wall!

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Lend Your Support Now Not Your Complaints Later

By Col. Pop Hess



Wishing each of you a very HAPPY and PROSPEROUS New Year. This sounds funny, written on December 13, but as you know, in order to get it in the January issue of this publication, it must be on Col. Hart's desk by the 15th of the month even though you will probably not see the January issue until after the beginning of the new year.

Down through the years as the new calendars are hung, folks in all walks of life check on what they have made or lost, the mistakes and the progress of the outgoing year. Then we turn over a new leaf and plan to do better, but often we wind up the same or worse than the year before, but we continually strive for improvement.

Yet, as we look back over the years, sum up what we had to do with and what we had to do without, what we have in way of modern equipment, transportation and better methods, we arrive at one definite answer. We are fortunate that God has given us the privilege to live in America.

Each auctioneer in the land is, or should be, heading out for a better sale business, better service to the public and the other good resolutions that go with each new year. This is the year 1955. Every auctioneer who will want many of his problems solved and desire more recognition for his profession will have that opportunity. Appoint yourself a committee of one, line up a few of your home state auctioneers into a Vacation Party, and all come to Indianapolis, next July, and lend your support to the NATIONAL AUCTIONEERS CONVENTION. Support your profession by becoming a member of the NAA and exercise your privilege as a member at this meeting.

There will be things said and done

that you will like, also some that you dislike. Much time has been wasted by many auctioneers in discussing what the NAA has NOT DONE or what it should do, yet these same auctioneers have done little in the way of help for improvement through their lack of interest in attending the Conventions. The Officers of the NAA, elected last July, are mid-way through their terms. Your support from now until Convention time will help them in making this the best year for YOUR organization.

The progress of the NAA is the same as any National organization, it can only function properly and progress when it has a **strong supporting membership**. The NAA belongs to you, the officers are the managers, but under the guidance of the membership. If there would appear laxity in administration of the affairs of the NAA, it can be laid at the door of the non-supporting members who have them out on a limb that needs a good strong prop from you, Mr. Auctioneer. Yes, a strong supporting forked prop instead of a hand saw.

Since the last convention, auctioneers have said the NAA has not helped them. They have elaborated on what should have been done and how the Convention should be conducted until it creates a dream long awaited. But the sad part of the story is that NONE of these auctioneers attended the Convention nor made plans to attend. Now boys, we can improve this situation by planning right now to pay our dues and ATTEND the next CONVENTION. Take your ideas and thoughts with you and air them off. Your voice at the Convention will be more effective than your idle tongue running loose and loud after the Convention. A title for the latter could be "Gone With the Wind."

Clippings By Nelson

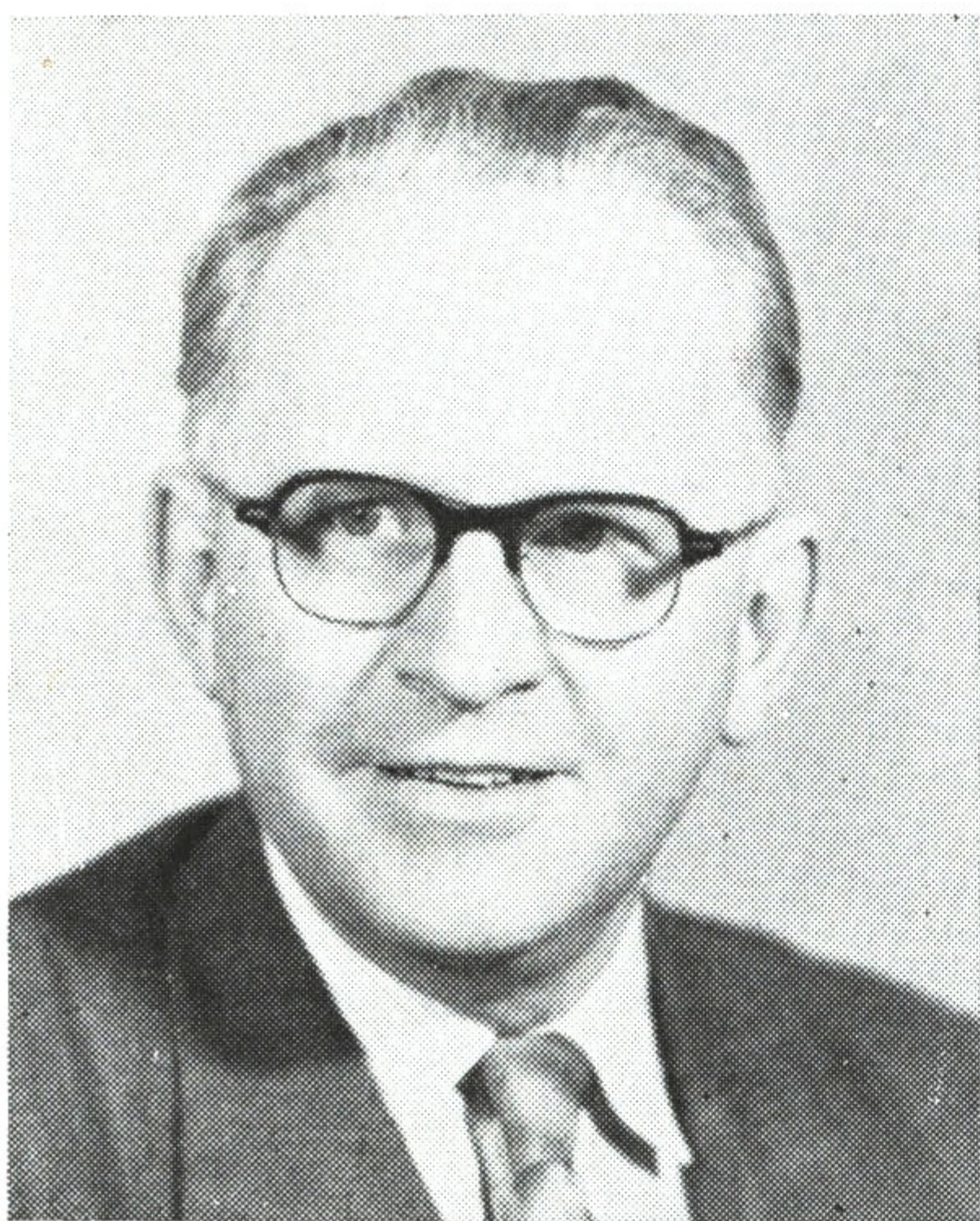
By Col. E. T. Nelson

THE CLEAN PAGE

As the Old Year Slips away,
He kindly with him takes
The pages we have blurred and
 marred
With failures and mistakes.
The blighted hopes and needless fears
Are gone beyond recall.
And ours once more the fair clean
 page
The New Year Brings to All.

• • •

Youth is not a time of life, it is a
state of mind.



Col. E. T. Nelson

Men, like horses, are not judged by
how they start, but how they finish.

Man's mind stretched to a new idea,
never goes back to its original dimen-
sions.

Formula for failure: TRY TO PLEASE
EVERYBODY.

DIPLOMACY: The art of saying "Nice
Doggie" until you find a rock.

You have to stay awake to make your
dreams come true.

Many people suffer from bone trouble;
Too much in the head and too little in
the back.

There are three kinds of auctioneers:
Those who make things happen;
Those who watch things happen; and
Those who have no idea of what has
happened.

There isn't much difference between
the old man who sits by the wayside
and watches the auto go by and the man
who drives by and watches the fence
posts go by, or should I say watches the
the old man go by.

It has been said the problem is not to
add years to our life, but to add life to
our years.

I hope that my column has added a
little life to your years during the past
few years that I have sent along some
thoughts of interest.

This months clippings are heavily
loaded with items from the Lion's Club
Magazine.

GAVE HIS DAD A FEW POINTERS

A famous hunter finally decided that
his 15-year-old son was old enough to
accompany him on a hunting trip and
so informed his eager offspring.

En route to the hunting site the hunter
kept stressing the fact that good hunt-
er never returns empty-handed. They
camped in an old abandoned log cabin
and bright and early next morning the
boy was handed a rifle and told to go
out and bag a bear.

The boy hadn't gone but a few hun-
dred yards into the woods when he en-
countered a huge bear. He sent shot
after shot whizzing harmlessly by the
beast and in panic the lad dropped his
gun and took off at high speed toward
the cabin with the bear at his heels.

Remembering what his father said
a b o u t returning empty-handed, he
thought fast and as he fled through the
cabin he yelled at his startled father:
"Okay, Dad you skin this one while I
go out and get another one!"

LADIES ATTEND CONVENTIONS, TOO



Members of the Ladies Auxiliary to the National Auctioneers Association take time out for a picture during the Omaha Convention last July.

Burley Averages \$52 In First Two Weeks Of Kentucky Auction

Kentucky's 29 burley auction markets moved to buyers 170,744,650 pounds of the cigaret-making tobacco in the first two weeks of the sale for an average of \$52 a hundred pounds.

The tobacco sold represented 43% of the estimated crop for the state, which the U. S. Agriculture Department had placed at 391.5 million pounds.

The first two weeks of sales last year moved out 140,416,735 pounds of burley for an average of \$45.86 a hundred pounds. The crop last year was estimated at 388.6 million.

Last year's crop was a near record "quality" one. This year's crop was hit by an early drought, but later rains brought it out in full bloom. More of

this year's crop is going into the "pool," or the Burley Tobacco Growers Cooperative Association (Government support). The experts say this year's crop is "heavy" in leaf texture and this may be the reason buyers are letting so much of it slide into hands of the Government. If better tobacco shows up later, the company representatives then can fill their quotas without having to do with "heavy" undesirable leaf, tobacco market authorities said.

The eight-state burley tobacco belt is putting 28% to 30% of the tobacco into Government support this year, compared with 14% to 16% at this time last year.

Hands Off

X A sophomore discovered his girl in the arms of a fraternity brother. "I don't mind your necking with my girl," he said, "but keep your hands off my fraternity pin."

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How It Looked to Me

In South America

By Col. Ernie Weller

MONTEVIDEO, Uruguay, February 28 —This afternoon at promptly 13:30 o'clock (1:30 p. m., as we reckon time) our party boarded Pan America's Big DC 6 "El Interamericano," for a 7-hour flight to Brazil and Rio de Janeiro. It is a beautiful day with crystal clear visibility.

The captain of the flight (over the loud speaker) tells us the weather forecast is good and that we can expect a pleasurable flight and that from time to time he will call our attention to the various things of interest as we fly over them. So we all sit back and relax, gazing out the windows, to see what we could see. Our ship is still gaining altitude, and at 12,000 feet we level off as the purr of the four great motors steadies down to a rhythmic hum.

The airways are perfectly smooth, and as if borne on a magic carpet a wonderland of charm and beauty is spread out beneath us as we fly over the gently rolling farmlands of Uruguay. For two hours it is an unending panorama of contrasting greens, grasslands, orchards, vineyards and forest, with now and then a stream meandering down toward the sea.

We have been flying inland for the past two hours, but now we are over the Atlantic Ocean, paralleling the southern-

EDITOR'S NOTE—Col. Ernie Weller, one of the most prominent and successful livestock auctioneers in America, made a trip to South America early last spring. Those who attended the Omaha Convention witnessed an extremely interesting three-dimensional moving picture of what Col. Weller saw on his trip. For those who could not attend the Omaha meeting, we are publishing a portion of his observations. Col. Weller is owner of the Atkinson Livestock Auction Market, Atkinson, Nebraska.

most boundaries of Brazil, the Province of Rio Grande Do Sul. All along the coast we see small islands with a rich, rank growth of jungle green.

We fly for about three more hours, intermittently over the ocean and then over the irregular boundaries of Brazil as they jut out to sea. The sun is setting now (but in a strangely different direction than we are accustomed to, as we are south of the equator).

As the last rays of a setting sun fade into the shades of approaching night, we discern beneath us an island, "ILHA dos Porcos Grande," or Island of the Big Pigs. A little later, we are over Baia de Ilha Grande, then over Ilha Grande itself, a rugged high-peaked rock more than 15 miles across. The signals, "Fasten Your Belts, Please"—"No Smoking," are flashed on the signal board, our ship begins lowering slowly, starting a long flat glide down from the 12,000-foot cruising altitude we have been maintaining. The captain tells us he is planning to come in over the hills behind Rio, with only two or three thousand feet beneath him, so we may all have a good view. Now we cut inland across a peninsula, about 30 miles wide, which is bounded on one side by the wide South Atlantic and on the other by Rio's magnificent Baia de Guanabara.

Rio de Janeiro is a breathtaking sight in the darkness below — glittering like diamonds on a jeweler's black velvet tray—lying in a site unparalleled in the entire world.

The bay itself might be likened to the palm of your hand if it were held cupped, with fingers and thumb pointing upward. Your fingers would represent the sharp peaks. The flat of your palm is the bay. The city itself is built around the bay, so that in the dark it looks like jeweled riggs at the base of each finger. Standing guard at the mouth of the bay is the thumb—famed "Pao de Azucar" (Sugar Loaf Mountain).

The fingers represent peaks, such as "Dos Hermanos" (The two brothers), "Corcovado" (The Hunchback), surmounted by a 130-foot statue of Christ (Christ The Redeemer) arms outstretched, watching over the city, so realistic that by a faint stretch of imagination you could hear him speak, "Peace Be With You", and dozens of lesser peaks and hills.

The bay itself—large enough to hold all the navies in the world, deep enough to hide even the hills over which we are passing—is studded with a thousand ships, sloops and fishing vessels, their lights casting reflections upon the water in myriad colors.

Now we are slipping down towards the airport over a broad expanse of low buildings, homes and open flat areas—and then another stretch of gleaming bay. Our plane wheels thump gently on the runway. We are in Rio!

Although closely crowded by Sao Paulo, Rio de Janeiro is still the largest city in Brazil, with a population (they told us) of two and three-quarter millions of people. It is the Capital of Brazil as well as the port of entry of the greatest shipping center of Latin America. The attractive business and residential streets, the well planned drives skirting the water front along the bay, the tropical parks and the towering, modern buildings, all proclaim a splendid metropolis worthy of its superlative beauty and natural surroundings. Many of Rio's avenues are broad and tree-shaded, and have patterned mosaic sidewalks.

Rio is famous for its fast-moving night life and its pleasant beach activities. Copacabana Beach is world renowned as a resort and playground of the wealthy. This latter statement was well proven to us—as our tour arrangements called for lodging at the famous Copacabana Hotel—but as we approached Rio our tour directors informed us that due to Carnival and a shortage of rooms at all leading hotels, our reservations at the Copacabana had been transferred to the Novo Mundo on Flamingo Beach.

Up to now, we had prided ourselves in the fact that our every landing in South American cities had been photographed and publicized on the front pages of

their newspapers. However on this occasion, the morning papers disclosed that we and our photographs had been relegated to the back page, while prominently on the front pages were the pictures of Hollywood actors and actresses who had flown down, to participate in the Mayor's Ball, a highlite of Carnival.

The culminating event in the amusement calendar of the country is the four-day, pre-lenten maelstrom of music, color, and animation that is Carnival in Rio. From Saturday to the Tuesday before Ash Wednesday, the city is transformed into a combination playground, ballroom and, I dare say, Insane Asylum.

The whole population comes out on the streets where there is continuous dancing; literally thousands of small orchestras with homemade instruments, parade through the streets with scores of tireless dancers, all gayly costumed, in their wake. In preparation for Carnival, native song writers submit music, which is played over radio stations and from music stores. By popular vote, similar to our hit parade programs, a selection is made each season. Once this is done, it is publicized by press, radio and orchestra until everyone has it committed to memory.

During carnival time, it is unlawful for any native "Carioca," as they are called, to use, or have on his person intoxicating liquor. In violation of this regulation, he is tossed into the "clink," there to remain until Carnival is over, after which time he is released.

As nearly 100 hours of continuous dancing can become physically enervating—some sort of stimulation is desirable to successfully complete the marathon. This is well taken care of by the use of "ether bombs" (resembling in appearance "insecticide bombs" we use). If one of the participants grows weary, he reaches for his "ether bomb", saturates his handkerchief with ether, takes about three deep "whiffs" of it—his eyes glistening, his head up, and he's off again, far, far, far into the night. The smell provided by a combination of the highly perfumed ether and the resultant body odors of

(Continued on Next Page)

the perspiring participants is not within my capabilities of description.

In the upper strata of society, the crowning event of Carnival is "The Mayor's Ball." This is held at the "Teatro Municipal," or Opera House. As admission to this event was \$20.00 a person, we contented ourselves with a \$5.00 vantage point located near the two-block-long promenade leading to the theatre entrance.

It was for this event that our friends from Hollywood's movie colony had flown down to attend. The delegation included Irene Dunn, Rhoda Flemming, Joan Fontaine, Janet Gaynor, June Haver, Jeanette McDonald, Ann Miller, Jane Powell, Barbara Rusch, Robert Cummings, Jeffrey Hunter, Fred MacMurray, Walter Pidgeon, Gene Raymond, Edward G. Robinson, and executives Collier Young, Mervyn LeRoy, and dress designer Gilbert Adrain.

To the Mayor's ball, all men wore conventional evening dress—their ladies all in gay costumes representative of anything from an ostrich to an infuriated wildcat. What took place at the ball or afterwards—we weren't in on.

On the evening before the last day of the Carnival, they hold a large parade. Although it embraced many beautiful floats, I am proud to write that both Mrs. Weller and myself have seen many to equal their best during "Hay Days" in Atkinson.

(Next Month—A Giant Flexes His Muscles — Sao Paulo — The Industrial Nerve Center of South America).

Mystery Man Walked Out on Adios at Bid of \$20,000

The trotting world will always wonder the identity of "the mystery guy" in 10-gallon hat and cowboy boots who quit when the bidding reached \$20,000 for Adios—who eventually may prove the greatest sire in harness racing history.

That was in 1948 at the Lexington, Ky., auction, and Adios stands today at the Meadowlands farm of Del Miller. In the southwest corner of Pennsylvania near

Pittsburgh. The sire of eight world champions holding 13 world records in the sulky sport stands at a fee of \$3,000, and Miller can afford to be choosy for the Adios book is always full.

The cowboy missed, and if it hadn't been for a friend, Adios might have found his way to some other pasture than Miller's breeding farm.

"I had just bought the farm, and was a bit short on cash," Miller related, "but a friend promised to put up the money for Adios.

"Well, he backed out at the last minute. We were in the hotel lobby at Lexington, having just flown up from the races at Winston-Salem, N. C.

"I could have gotten the money from Mr. Reynolds (the late tobacco tycoon, W. N. Reynolds) but he'd have said 'What do you want to buy that horse for?'"

With Miller at Lexington was Duke Kelly, a Winston-Salem automobile dealer, who agreed to supply financial aid.

"Well, at the sale the bidding reached \$20,000—and they had been hundred-dollarizing me to death. I bid \$20,100 and auctioneer George Swinebroad (a member of the NAA) said \$21,000, and I got him.

"The other bidder, that mystery guy in cowboy clothes, left altho I tried to find him later. But that was the cheapest \$900 I ever saw.

"Kelly loaned me \$15,000 and I scraped together \$6,000 from my checking account."

Miller gave the credit to the late Doc Parshall, who insisted that Adios would prove a great sire.

"He discouraged others he knew were interested in bidding, but told me that 'There is only one horse for you to buy, and that's Adios'."

Life's Little Extras

Life's little extras are simple, yet grand
A sweet trusting smile, and a kind outstretched hand

Life's little extras are modest yet fine
A word in due season, for those who repine

Life's little extras, quite common may be
But living without them would be misery.

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The Auctioneer

803 S. Columbia Street

Frankfort, Indiana

Horse Sense Used by Dealer in Building Area's Used Car Auction

By CHARLES WARNICK

The following article was a special feature in the Cincinnati Enquirer, Sunday, October 10. Col. Jim Liechty and Col. Harvey Boyer, the auctioneers mentioned, are both members of the NAA.

The fascination Earl A. Schott finds in fine riding horses has been a tremendous asset to him in assembling one of Cincinnati's largest used car enterprises.

Mr. Schott, a member of the fabulous Schott family of Cincinnati, owns and operates this area's only used car auction for automobile dealers. And there is a remarkable resemblance between that auction and the famed horse auctions of Lexington, Ky. It comes complete with swivel-tongued auctioneer, ring men showing off the fine points of the vehicles and sharp-eyed customers looking for good buys.

The barn-like building out on Reading Road where the auctions are held goes into a frenzy of activity each Friday afternoon as dealers gather from as far south as Florida and as far north as Michigan to buy and sell used cars.

Not a man to sit idle when there's work to be done and money to be made, Mr. Schott sells cars just as diligently as his salesmen at the weekly auctions. Dressed comfortably in a bright yellow shirt open at the throat, tan riding pants and a Western-style hat, he bounced from one side of the auction room to the other at last Friday's sales, shouting out the merits of the automobiles, exhorting the bidders to go higher and urging the dealers to sell.

After several dealers had rejected bids, he took over the microphone briefly to advise them to sell. "It's corn pickin' time, not seed plantin' time, boys," he admonished them. "These cars aren't going up, they're coming down. You'd better sell now."

With that brisk warning, he was down

on the floor again pounding briskly on the hood of another vehicle to emphasize what an excellent buy it was. Every Friday afternoon, Mr. Schott bruises his right hand with the constant pounding. Every Saturday, he resolves never to pound on another hood but he invariably forgets his good intentions in the excitement of each auction.

But if Mr. Schott should decide to absent himself from the sales, his men seem to be quite capable of carrying on without him. His auctioneer, James Leichty, who sings out the bidding in a swift jargon which only the initiates can understand, has his own methods of extolling the virtues of each vehicle. "She's got the radio and the heat," he'll shout, or, "She runs like new, boys, and she's knee-deep in rubber." To emphasize his points, he gives the wooden stand in front of him a thunderous whack with a three-foot length of rubber hose.

Down on the floor, Mr. Leichty's partner, Harvey Boyer, a transplanted Indian who is also given to the wearing of Western hats, ably demonstrates the cars. As each vehicle rolls up, he is all around it, opening the hood, all the doors and the trunk. He pounds on hoods just as violently as does Mr. Schott and he signals bids to Mr. Leichty with all the enthusiasm of a man fighting off a swarm of wasps. Mr. Boyer's amazing vigor for his work is matched by Jack and Millard Kimball, who assist him in urging on the bidding. The Kimball brothers manager Mr. Schott's two used car lots.

Mr. Schott estimates that from 125 to 150 cars ranging from \$7000 convertibles to Model Ts go through his auction each Friday. "I figure that in an average day's sales at least \$150,000 changes hands," he added.

Only a part of the cars put up for auction are his property. Many of them be-

long to dealers who wish to take advantage of the auction to sell them but the Schott Auction Co. receives a fee for each car put up for bidding.

Some 300 dealers from a dozen states attend the sales and, mindful of his role as a host, Mr. Schott sees to it that there are plenty of refreshments. Soft drinks and beer are available with a variety of charcoal-grilled sandwiches. Although the sandwiches and drinks are free, "tips" are accepted and then turned over to the polio fund. Last Friday's "tips" amounted to a neat \$35 for the fund.

Working the ring has its hazards. The dealers swarm around the cars in droves as bidding mounts and occasionally a driver's foot slips on the gas pedal. Such a slip pinned plump Jack Kimball to a wall a few weeks ago but he escaped with minor bruises. Since that incident he has been more attentive when standing in front of one of the automobiles.

As Mr. Schott sees it, there really isn't a great difference in the selling of

horses and automobiles. "The horse was the chief means of locomotion a century ago," he explained, "just as the automobile is today. The shrewd old horse trader looked for bargains just as today's automobile dealer does. It's the means of locomotion which has changed — not the people."

British Thorobred Auction Marks Set

NEWMARKET, England — All British records were broken at Tattersall's December thorobred auction when sales surpassed the 1,000,000 guineas (\$2,960,000) mark for the first time in history.

Five minutes after this figure was reached an undisclosed American paid \$62,160 for Darubini, a two-year-old chestnut son of Dante-Dodoma. This was a new record for a two-year-old in England, the previous mark being \$50,320 for Hedgerow in 1949.



Col. Jim Liechty, Berne, Ind., as he can be seen most any week day in any of the several used car auctions that he sells.

F. B. I. Gets Their Man

By COL. B. G. COATS

It was just about one year ago, while serving our Association in the capacity of Secretary and Editor of "The Auctioneer" that there came to our attention, one who was operating as an Auctioneer in the west and mid west, resorting to most unusual and unethical practices, causing our profession to suffer most unfavorably. Travelling under several aliases, the last known one being Col. Russell Davis, past Secretary of our Association, led us to believe that the operator, Benjamin Drost, might have been using the names of members of our Association.

Every cooperation was extended to the Federal Bureau of Investigation to apprehend one that was causing irreparable damage to our profession, until at long last the long arm of the law reached out and took into custody one Benjamin Drost.

The following was taken from the Denver Post of October 19, 1954: **THREE WIVES TESTIFY — AUCTIONEER ON TRIAL IN CHINCHILLA SALE.**

Benjamin Drost's three wives met in U. S. District Court Tuesday.

Drost, 43, alias Col. Russell Davis, an auctioneer, was on trial charged with the interstate transportation of nearly \$15,000 worth of chinchillas the government contends were the property of Mrs. Roberta Johnson of Kansas City, Mo.

Mrs. Johnson testified Drost was to bring the chinchillas to Colorado, where they were to be sold for her. After selling the expensive animals, Drost failed to return the money to Mrs. Johnson, she said.

During the trial, which started Monday afternoon, Mrs. Florence Davis, 217 East 17th Ave., testified she had been married to Drost for nine years, until she obtained a divorce last July 23.

Mrs. Francis Edwards, Olympia, Wash., testified she married Drost in June 1953, at Prairieville, Kan. Mrs. Edith Jackson of Phoenix, Ariz., testified she married Drost in February

1954, in Chicago. Neither of the latter two women has been divorced from him.

All three testified Drost obtained money, property and automobiles from them after marriage.

None of them had known the others' existence until the trial began, they testified.

Bob Swanson and James Heyer, assistant U. S. Attorneys, were continuing the question of the three wives and Mrs. Johnson Tuesday.

As this article is being written, the results of the case are not known to the writer, but it is to be assumed that the defendant is now paying his debt to society and that the Auctioneer profession will endeavor to rebuild the confidence which it so justly deserves.

Our Association is indebted to Col. Russell Davis and Col. John W. Rhodes, and to all who in any way served our Association in cooperation with the F. B. I. Our thanks to the F. B. I. who always get their man.

A PERENNIAL PROBLEM

Most protestant churches have a perennial problem. It is the problem of obtaining and maintaining a proper atmosphere of worship in our Sanctuaries.

Relative to the above problem the following paragraph is presented:

"I want to tell you the story of the harassed organist who each week diligently practiced beautiful mood-seeting preludes for the morning worship services . . . only to have his work ruined by the talking of the church members assembling for the service. One Sunday in despair, he put on full organ and then holding a big and loud chord, suddenly jerked his hands from the keyboard. In the deathly silence which followed, a woman's voice, full-mouthed and stentorian, pealed forth: "Why Mabel, I always fry mine in lard."

—Copied from "Church Pointers"

JULY 14-15-16, 1955

Are Important Dates For All Auctioneers

**Mark Your Calendar Now And
Start Making Plans To Attend The
National Auctioneers Convention**

**Claypool Hotel
Indianapolis, Indiana**

Drost Receives Six Year Prison Term

Benjamin Drost, the character described in the news story by Col. B. G. Coats, on the opposite page, has been sentenced to a six year term in the penitentiary. He was found guilty by a Federal Court jury in Denver, and sentenced by U. S. District Judge, Jean Breitenstein.

While Drost has received punishment for his fraudulent actions, the auction profession, especially the auctioneers of Denver and Colorado, have suffered an injustice through bad publicity. The Denver Post of November 24 published the story of Drost's sentence, using the following headline:

Auctioneer Gets 6 Year Prison Term

Drost had no more claim to being an Auctioneer than he did to the name of Col. Russell Davis. Yet, the newspapers continued to refer to him as an auctioneer. Col. R. E. Fortna of Denver, a member of the NAA, wrote a letter to the editor of the Denver Post requesting that he print a correction regarding Drost's occupation. A copy of his letter has been forwarded to this office.

Col. Fortna is to be commended for his interest in getting the facts to the public and it is the duty of every respectable auctioneer to do as he has done. The auction profession certainly needs no publicity of this sort even though many news dispensers are free and careless in handing it out.

New Vice President Named in Michigan

Col. Maurice Price, Stockbridge, was elected vice-president of the Michigan Auctioneers Association at the meeting of that group on October 26. This office had been vacant since the death of Col. E. B. Zeigler of Jackson.

IN MEMORIAM

**Col. Ted Witkin,
Burlington, Vermont**

**Col. Faye L. Houtchens,
Monmouth, Illinois**

AN ACT

To define license and regulate resident and nonresident auctioneers and apprentice auctioneers in certain political subdivisions and revising, consolidating and making the law uniform relative thereto, conferring certain powers and duties on the State Auctioneers' Commission and on certain departments and officers of the State and local governments providing for the keeping of records and the inspection thereof, repealing certain inconsistent laws and providing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section I Short Title

This act shall be known and may be cited as "The Auctioneers' License Act of 1955."

Section II Definitions

(a) When used in this act the following words and phrases shall have the following meanings unless the context provides otherwise.

(1) "Goods" shall mean any goods, wares, works of art, commodity compound or thing, chattels, merchandise or personal property which may be lawfully kept or offered for sale but shall not include nor apply to sales at auction conducted by or under the direction of any public authority or pursuant to any judicial order or decree or in the settlement of any decedent's estate or to any sale required by law to be at auction.

(2) "Person" shall mean and include an individual, firm, copartnership, association or corporation but as applied to "association" shall mean the partners

or members of any partnership, limited partnership or any form of unincorporated enterprise owned by two or more persons and as applied to "corporation" shall mean the officers or directors thereof.

(3) "Auctioneer" shall mean any citizen of the United States and of the Commonwealth of Pennsylvania having two (2) or more years experience as an active auctioneer in the profession of auctioneering and being duly licensed as hereinafter provided in this act.

(4) "Apprentice Auctioneer" shall mean any person eighteen (18) years of age or over being a resident of the Commonwealth of Pennsylvania for one (1) year or upwards and having completed a prescribed course of study at an accredited auctioneering school approved by the Commission and one (1) year's apprenticeship under the supervision and control of a duly licensed auctioneer or at least two (2) year's apprenticeship under the supervision and control of a duly licensed auctioneer and duly licensed as hereinafter provided in this act.

(5) "Auction" or "Sale at Auction" shall mean the verbal exchanges between an auctioneer or apprentice auctioneer and the members of his audience constituting a series of invitations for offers made by the auctioneer or an apprentice auctioneer, offers by members of the audience and the acceptance of the highest or most favorable offer by the auctioneer or an apprentice auctioneer.

(6) "Commission" shall mean the departmental administrative Commission created in the Department of Public Instruction to administer the provisions of this act.

Editor's Note

We are publishing, herewith, a copy of a proposed Auctioneers Licensing Law, furnished to "The Auctioneer" by the Pennsylvania Auctioneers Association. The Pennsylvania General Assembly is expected to act on this proposal in its 1955 session.

Section III

Issuance of Licenses Supervision and Control

(a) The Department of Public Instruction shall issue auctioneers and apprentices auctioneers' licenses under the provisions of this act. The Commission shall supervise and control all such licenses as hereinafter specifically provided.

Section IV

Copies of Department Records as Evidence. Fees for Copies.

(a) Copies of all records and papers or documents filed in the office of the Department of Public Instruction and of all proceedings by or before the Commission with the Commission's action thereon and stenographic notes of testimony or other evidence submitted when certified under the seal of the Department of Public Instruction shall be admitted to be read in evidence in all courts in this Commonwealth in all cases where the originals would be admissible in evidence under the provisions of this act, Provided That in any proceeding the court having jurisdiction may, on cause shown, require the production of the original.

(b) For every copy of paper filed with the Department of Public Instruction in any proceedings before the Commission, the Department of Public Instruction may charge such fees as it may by general rule or regulation prescribe not exceeding twenty-five cents (25c) per folio.

Section V

Information Not to be Divulged, Penalties, Exceptions, Rulings to be Public Records

(a) Neither the Superintendent of Public Instruction, any member of the Commission nor any deputy, secretary, representative, clerk, or other employe of the Department of Public Instruction shall directly or indirectly wilfully exhibit, publish, divulge or make known to any person or persons any record, report, statement, letter or any other matter, fact or thing contained among the papers, documents or records of said department or ascertain from any of the same or from any investigation or proceedings made or held under the pro-

visions of this act by or before the Commission or any of its deputies, members, secretary, or representatives excepting in such manner as is expressly authorized by this act and excepting when the production of such information in a proceeding in any court is duly required by subpoena issued by special order of the court or other regular process, any violation of the provisions of this section shall be a misdemeanor upon conviction whereof the person so offending shall be sentenced to pay a fine not exceeding one thousand (\$1000) dollars.

(b) The provisions of this section shall not apply to any ruling or decision of the Commission with the record relative thereto and upon which the same was founded which ruling or decision shall have been duly made and entered under and in accordance with the provisions of this act after investigation and hearing as hereinafter provided. All such records shall immediately upon the entry of such ruling or decision become public records of the Department of Public Instruction subject to inspection by any person interested.

Section VI

License Required. Restrictions as to Citizenship Age and Apprenticeship

(a) From and after January first one thousand nine hundred fifty-six it shall be unlawful for any person, copartnership, association or corporation to engage in, or carry on the business, or act in the capacity of an auctioneer, or an apprentice auctioneer within this Commonwealth without first obtaining a license as an auctioneer or as an apprentice auctioneer from the Department of Public Instruction.

(b) No person, copartnership, association, or corporation may be licensed by the Department of Public Instruction as an auctioneer unless such person and all of the members of any such copartnership or association who are actively engaged in the auctioneering profession and all of the officers of any such corporation who are actively engaged are of the age of twenty-one (21) years and

(Continued on Next Page)

upwards are citizens of the United States and of the Commonwealth of Pennsylvania with exceptions hereinafter stated in sections nine and ten of this act and shall have served as an active auctioneer for two (2) years or more or shall have served an apprenticeship as a duly licensed apprentice auctioneer of not less than one (1) year in the employ of a duly licensed auctioneer after having completed a course of study in auctioneering at an accredited school approved by the Commission, or upon application, proof of experience equivalent thereto.

(c) Any person engaged in the auctioneering profession for a period of two (2) years or more may be admitted to an examination for an auctioneer's license Provided—That he shall meet all of the prerequisites of applicants for such licenses except that he shall not be required to have served in the employ of a duly licensed auctioneer or as a duly licensed apprentice auctioneer for a period of two (2) years.

Section VII

Licenses. Department to Issue

(a) It shall be the duty of the Department of Public Instruction upon payment of the license fees required by this act to issue licenses as auctioneer or apprentice auctioneer to all individuals and as auctioneers alone, to all copartnerships, associations and corporations who shall be duly qualified under and shall comply with the provisions of this act.

Section VIII

Applications Examinations

Expiration Dates

(a) Applications for licenses as auctioneer shall be made in writing to the Commission upon a blank provided for the purpose by the Department of Public Instruction and shall contain such information as to the applicant or when the application is made by a copartnership, association or corporation as to its members or officers as the Department of Public Instruction shall require. The application shall be signed by the applicant or in the case of a copartnership or corporation by any member or officer thereof and shall be accompanied by the recommendation of at least two citizens not related to the applicant or

to any member or officer of any copartnership or corporation so making application who shall be owners of real estate within and residents of the county in which the application is made, certifying to the honesty, truthfulness and good repute of the applicant or in the case of a copartnership or association or corporation its members or officers by name and recommending that a license be granted the applicant and by the recommendation of one licensed auctioneer or licensed member or officer of a copartnership, association or corporation licensed as an auctioneer. If the applicant, or in the case of copartnership or corporation, any of its members or officers shall have resided or shall have engaged in business by less than one (1) year in the county from which the application is made, such application shall also be accompanied by the recommendation of at least two (2) real estate owners and not related to the applicant of each of the counties where he or each of such members or officers has formerly resided or engaged in business during the said period of one (1) year prior to the filing of such application, certifying to the honesty, truthfulness and good repute of the applicant or its members or officers by name and recommending that the license be granted. Each application shall be accompanied by two (2) photographs of the applicant or in the case of a copartnership, association or corporation of the applicant members or officers thereof Provided That upon the filing of an application the Commission may investigate the allegations contained therein, and, if upon investigation, it finds such allegations untrue it may refuse to examine or license the applicant setting forth in writing its findings and the reasons for its refusal and furnishing a copy thereof to the applicant.

(b) Application for license as apprentice auctioneer shall be made in writing to the Department of Public Instruction, signed by the applicant, setting for the period of time during which he has been engaged in the profession, stating the name of the last employer or the name of the person, firm, copartnership, association or corporation then employ-

ing him or into whose employ he is then about to enter. All applications shall be made upon a blank provided for the purpose by the Department of Public Instruction and shall contain such information as to the applicant in addition to the above prescribed as the Commission shall require. The application shall be accompanied by the recommendation of his employer or prospective employer certifying that the applicant is honest, truthful and of good repute and recommending that such license be granted. All such licenses shall expire on the last day of February immediately following the date of issue unless sooner revoked or suspended by the Commission and renewed annually as hereinafter prescribed.

(c) No person may hereafter be licensed as apprentice auctioneer and no person, copartnership, association or corporation may thereafter be licensed as an auctioneer by the Department of Public Instruction unless such person and all of the members of any such copartnership or association and all of

the officers of any such corporation intending to actually engage in or actually engaging in the auctioneering profession as an auctioneer or apprentice auctioneer shall first submit to and pass an examination conducted by the Commission and prepared by the Commission. The Commission shall hold examinations on the second Saturdays in January, April, July and October in the cities of Philadelphia, Pittsburgh, Harrisburg, Wilkes-Barre and Erie at such hours and under such rules and regulations as the Commission shall prescribe. Provided That the Commission may make a special dispensation or exception because of religious scruples of applicants as to the day of the week upon which the examination shall be held. The examination for an auctioneer's license shall include questions on the applicant's ability to read and write English, his knowledge of mathematics and other common school branches. The examination for an apprentice auctioneer's license shall be limited to mathe-

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Mrs. Glenn Peel, Newkirk, Okla., at the halter of Real Plato Domino Jr., shortly after he was purchased by her and Mr. Peel in the Fritz Kerbs Polled Hereford Sale at Otis, Kansas, for \$31,700, highest selling bull of the breed for 1954. At the left is Herdsman Tom White with a son of the record seller which sold in the same sale for \$15,000. The three men in the rear are Glenn Peel and Auctioneers, Freddie Chandler, Chariton, Iowa, and Bernard Hart, Frankfort, Ind., both members of the NAA. Engraving through courtesy of Polled Hereford World Magazine.

matics applicable to the auctioneering profession the Auctioneers' License Act and ethical practices thereunder, Provided That in event the license of any auctioneer or apprentice auctioneer shall be cancelled by the Commission subsequent to the enactment of this act, no new license shall be issued to such person unless he complies with the provisions of this act. Provided further That the Commission may waive these requirements in the case of an application from a nonresident auctioneer of those states having similar requirements under the laws of which similar recognition and courtesies are extended to licensed auctioneers and apprentices of this State.

Section IX

Temporary Permits for Apprentice Auctioneers

(a) An individual who fails to pass the examination may apply and receive from the Department of Public Instruction a temporary permit to operate as an apprentice auctioneer until the next regular examination. An individual who fails to pass the examination at two successive examinations shall be ineligible for a similar examination until the expiration of six months from the time such individual took the last examination.

Section X

Provision Applicable to Persons Now Engaged in Auctioneering Profession, Limitations

(a) Any person who has for a period of two (2) years immediately preceding the effective date of this act engaged in any business or occupation not heretofore required to be licensed as an auctioneer and who is under the provisions of this act required to be so licensed shall be issued an auctioneer's license by the Department of Public Instruction without requiring him to submit to an examination as heretofore required by this act, Provided That such person makes application for such a license within ninety (90) days after the effective date of this act and pays the fee prescribed by law for such licenses.

Section XI

Authority to Transact Business Not Transferable

(a) Authority to transact business as an auctioneer or apprentice auctioneer under any license issued by the Department of Public Instruction shall be restricted to the person named in such license and shall not inure to the benefit of any other person or persons whatsoever. Where an auctioneer's license shall be issued to a corporation or association, authority to transact business thereunder shall be limited to one officer of such corporation or association to be designated in the application and named in the license. Each other officer of such association or corporation desiring to act as an auctioneer in connection with the business of the said association or corporation or otherwise shall be required to make application for and take out a separate license in his or her own name individually. Where the license is a copartnership, the license issued to such copartnership shall confer authority to act as an auctioneer upon one member of such copartnership only, who shall be designated in the application and named in the license. All the other members of such copartnership desiring to act as auctioneer in connection with the business of the partnership or otherwise shall be required to apply for and take out individual licenses in their own names.

Section XII

Nonresident Licenses

(a) A nonresident of this State may be licensed as an auctioneer or apprentice auctioneer upon complying with all the provisions and conditions of this act relative to auctioneers and apprentice auctioneers.

Section XIII

Reciprocity With Other States

(a) In connection with the application of a nonresident of this State for a license as an auctioneer or apprentice auctioneer, the Commission may accept in lieu of the recommendations and statements otherwise required to accompany the application for such license, the license as auctioneer or apprentice

auctioneer issued to such applicant by the proper authority of the state of his domicile upon the payment by the applicant of the proper license fee and the filing with the Department of Public Instruction of a duly certified copy of the license issued to such applicant by such other state. Provided however, and it is hereby expressly stipulated That the provisions of this section shall only apply to licensed auctioneers and apprentice auctioneers of those states under the laws of which similar recognition and courtesies are extended to licensed auctioneers and apprentice auctioneers of this State. Provided further That every nonresident applicant shall file an irrevocable consent that suits and actions may be commenced against such applicant in the proper court of any county of this State in which a cause of action may arise in which the plaintiff may reside, by the service of any process or pleading authorized by the laws of this State on the chairman of the Commission, said consent stipulating and agreeing that such service of such process or pleadings on the chairman of the Commission shall be taken and held in all courts to be as valid and binding as if due service had been made upon said applicant personally within the State. Said instrument containing such consent shall be authenticated by the seal thereof, if a corporation, or by the acknowledged signature of a member or officer thereof if otherwise. All such applications, except from individuals, shall be accompanied by the duly certified copy of the regulation of the proper officers or managing board authorizing the proper officer to execute the same. In case any process or pleadings mentioned in the case are served upon the Secretary of the Commission, it shall be by duplicate copies, one of which shall be filed in the office of the Department of Public Instruction and the other immediately forwarded by registered mail to the applicant against which said process or pleadings are directed.

Section XIV

Fees for License and Renewals

(a) The fees to be charged by and paid to the Department of Public Instruction

by licensees for all licenses and renewals thereof issued shall be as follows:

(1) A fee of fifty (\$50) dollars shall accompany an application for examination for an auctioneer's license and in event that the applicant successfully passes the examination no additional fee shall be required for the issuance of a certificate of registration. Provided That if the applicant fails to pass the examination he may be eligible to take the next examination without any additional fee.

(2) A fee of twenty-five (\$25) dollars shall accompany an application for examination for an apprentice auctioneer's license and, in event that the applicant successfully passes the examination, no additional fee shall be required for the issuance of a certificate of registration. Provided however That if the applicant fails to pass the examination he may be eligible to take the next examination without any additional fee.

(3) It shall be the duty of all persons licensed to practice as auctioneers or apprentice auctioneers to register annually with the Department of Public Instruction and pay for each such registration the sum of twenty-five (\$25) dollars and pay for each such annual registration as an apprentice auctioneer the sum of ten (\$10) dollars. Said application for renewal of an auctioneer's or apprentice auctioneer's license shall be made to the Department of Public Instruction annually, on or before January first of the next succeeding year.

Section XV

List of Licensees

(a) The Commission shall be required to publish annually a list of the persons, copartnerships and corporations registered for that particular year.

Section XVI

Licenses to Furnish Bond

(a) An auctioneer's license or an apprentice auctioneer's license shall not be granted or issued to any person, copartnership, association or corporation until the applicant therefor has filed with the Commission an approved bond payable to the Commonwealth of Pennsylvania in the amount of two thousand

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BOOSTERS FOR "THE AUCTIONEER"

The members whose names appear under their respective states have each given \$5.00 for their names to appear for one year in support of their magazine. Is your name among them? Watch this list of names grow.

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NATIONAL AUCTIONEERS CONVENTION

July 14-15-16, 1955

CLAYPOOL HOTEL

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(\$2,000) dollars. Such bond shall have as surety a duly authorized surety company. All such bonds shall be conditioned for the faithful observance of all the laws of the Commonwealth relating to sales at auction and all the laws, rules and regulations promulgated by or appertaining to any department board or commission of this Commonwealth. Such bonds shall be filed with and retained by the Commission. Every such bond shall be turned over to the Department of Justice to be collected if and when the licensee's license shall have been revoked and his bond forfeited as provided in this act.

Section XVII

Records of Sales Inspection

(a) Every auctioneer or person engaged in the business of selling goods at auction, whether acting in his own behalf or as the officer agent or representative of another, shall upon the receipt or acceptance by him of any goods for the purpose of sale at auction and before offering the same or any part thereof for sale at auction, write or cause to be written in a book to be kept by him for the purpose:

(1) The name and address of the person who employed him to sell such goods at auction.

(2) The name and address of the person who was the owner, the authorized agent of the owner, or the consignor of such goods immediately prior to the receipt or acceptance for the purpose of sale at auction of the same by such auctioneer.

(3) The terms and conditions upon which such auctioneer receives or accepts such goods for sale at auction or a copy of written contract.

(b) The book and the entries therein made as provided by subsection (a) of this section shall at all reasonable times be open to the inspection of the Commission or the Department of Public Instruction or any person who shall be duly authorized in writing for that purpose by said Commission or department and who shall exhibit such written authorization to such auctioneer.

Section XVIII

Permit Fee in Lieu of Licensing Fee in Other Political Subdivisions

(a) No political subdivision of this Commonwealth shall have the power or authority after the effective date of this act to levy or collect any license tax from or to require the licensing in any manner of any auctioneer or apprentice auctioneer who has been licensed and bonded under the provisions of this act. In lieu of such license tax or license fee heretofore imposed by any political subdivisions every licensee licensed hereunder shall for each sale conducted for any one owner or person pay a permit fee of one (\$1) dollar to the treasurer or corresponding official of the political subdivision wherein such sale is held. Provided the payment of such permit fee is required by a resolution or ordinance duly enacted by any such political subdivision.

(b) In any city of the third class, such permits shall be issued on or prior to the day of sale by the treasurer thereof. In any other political subdivision, such permits shall be issued on or prior to the day of sale by the officer exercising duties similar to that of city treasurer.

Section XIX

Contracts Written. Penalty for Violation

(a) No person shall act as auctioneer on the sale at public auction of any goods, wares, merchandise or of any property whatsoever, until he shall have first entered into a written contract or agreement in triplicate with the owner or consignee of any property to be sold containing the terms and conditions upon which such licensee receives or accepts such property for sale at auction. Such contracts shall for a period of two (2) years be kept on file in the office of every person so licensed hereunder and such contracts shall be open to inspection as provided in subsection (b) of section seventeen of this act.

(b) Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof by a court of record having jurisdiction thereof shall be sentenced

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to pay a fine not exceeding fifty (\$50) dollars. Such person so convicted may also be subject to such other penalties as the Commission, without a hearing, may direct. Such fines shall be collected and paid into the State Treasury for the use of the Commission or the Department of Public Instruction to aid in the payment of the costs incurred in the administration of this act.

Section XX

Display of Licenses. Notice of Change Of Employer. Violation

(a) Every person, copartnership, association or corporation licensed as an auctioneer under the provisions of this act shall be required to have the certificate of registration and the current annual renewal card prominently displayed at all sales at auction conducted by any such licensee.

(b) All auctioneers shall also prominently display the certificate of registration and the current annual renewal card of all apprentice auctioneers employed by them at any sale in which said apprentice is so employed. All licenses issued to such apprentices shall designate the employer of such apprentices by name. Prompt notice in writing within ten (10) days shall be given to the Department of Public Instruction by the apprentice auctioneer of any change of employer and of the name of the new employer into whose service such auctioneer is about to enter or has entered and a new license shall thereupon be issued without charge by the Department of Public Instruction to such apprentice for the unexpired term of the original license, Provided That such new employer shall be a duly licensed auctioneer. The change of employer or employment by any licensed apprentice auctioneer without notice to the Department of Public Instruction as aforesaid shall automatically cancel the license to him theretofore issued and it shall be the duty of the employer named in such license to notify the Department of Public Instruction promptly of any such change of employer or employment.

(c) The violation of any of the provisions of this section by any licensee shall be sufficient cause for the suspension or

revocation of his, her or its license in the discretion of the Commission.

Section XXI

Investigation of Complaints. Grounds of Suspension or Revocation of Licenses. Hearings.

(a) The Commission may upon its own motion and shall promptly upon the verified complaint in writing of any person setting forth specifically the wrongful act or acts complained of, investigate any action or business transaction of any licensed auctioneer or apprentice auctioneer and shall have the power temporarily to suspend or permanently to revoke licenses theretofore issued by the Department of Public Instruction under the provisions of this act at any time, when after due proceedings as hereinafter provided it shall find the holder thereof to have been guilty in the performance or attempt to perform any of the acts prohibited to others than licensed auctioneers or apprentice auctioneers under the provisions of this act to wit:

(1) Of knowingly making any substantial misrepresentation or;

(2) Of knowingly making any false promise of a character likely to influence, persuade or induce, or;

(3) Of a continued or flagrant course of misrepresentation or making false promises through agents or apprentice auctioneers or;

(4) When it shall be shown that the licensee within five (5) years prior to the issuance of the license then in force has been convicted in a court of competent jurisdiction of this or any other state of forgery, embezzlement, obtaining money under false pretenses, extortion, conspiracy to defraud or other like offense or offenses or;

(5) Of any failure to account for or to pay over moneys belonging to others which have come into his, her or its possession, arising out of a sale transaction within a reasonable time or;

(6) Of any misleading or untruthful advertising or;

(7) Of any act or conduct in connection with a sales transaction which demon-

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Protection

By COL. B. G. COATS

There are many thousands of Auctioneers in the United States. They are hungry to be united together for the good of all. The many Auctioneers who have united realize that the Auctioneer profession should be closely guarded as to admittance and zealously policed and carefully regulated in the protection of the public as well as the profession and all those so engaged.

In order to reach such an objective, our first and paramount task should be to enlarge upon our membership. If you are interested in your profession and improving upon it, then invite Auctioneers who are not members of the National Auctioneers Association to join with you and others. When our membership, our interest and our enthusiasm produces results, then and only then can we ever expect to protect our profession and the interest of each other. Such an objective is so simple and so easy to achieve if only each and every member would shoulder his share of responsibility and get as many new members for our Association as our present membership. If each of us obtained two new members, well, just formulate your own opinion as to what the results would be.

strates incompetency, bad faith or dishonesty or;

(8) Of knowingly using false bidders, cappers or puffers or;

(9) Of knowingly using buzzers, bells or any excessive or continuous sounds produced by mechanical devices for advertising purposes in connection with any auction.

(b) Before refusing, suspending or revoking any license, the Commission shall, in writing, notify the applicant or licensee of the charges against him, accompanying the notice with a copy of the complaint, if any filed, and the Commission shall accord the applicant or licensee ample opportunity to be heard thereon in person or by counsel. If the applicant or licensee shall so desire, the Commission shall grant a hearing upon such charges to be held on not less than ten (10) days prior notice in writing to the applicant or licensee given and shall furnish licensee at the time of giving the said notice with copies of any and all communications, reports, affidavits and dispositions in the possession of the Department of Public Instruction touching or relating to the matter in question. At such hearing, the applicant or licensee shall be entitled to examine, either in person or by counsel, any and all persons complaining against him and, as well, all other witnesses whose testi-

mony is relied upon to substantiate the charges made. He shall also be entitled to present such evidence oral and written as he may see fit and as may be pertinent to the inquiry. The said hearings may be held by the Commission or any member thereof or by any of its duly authorized representatives or by any other person duly authorized by the Commission for such purpose in any particular case and they shall be held, if the applicant or licensee so desires, within the county where the applicant's or licensee's residence is situated. At such hearings, all witnesses shall be duly sworn by the duly authorized representatives, general or special, before whom the hearing is held and stenographic notes of the proceedings shall be taken and filed as part of the record in the cause. Any party to the proceedings desiring it shall be furnished with a copy of such stenographic notes upon the payment to the Department of Public Instruction of such fee as it shall by general rule or regulation prescribe therefor not exceeding, however, twenty-five (25c) cents per folio.

Section XXII

Review by Court on Suspension or Revocation of Licenses. Right to Appeal

(a) The refusal of the Commission to
(Continued on Next Page)

authorize the Department of Public Instruction to issue any license after application properly made and compliance by the applicant with the requirements of this act shall be subject to review by the court of common pleas of Dauphin County, upon petition for writ of mandamus or other appropriate remedy with the right of appeal to the applicant as in other and similar cases.

(b) The decision of the Commission in suspending or revoking any license issued under this act shall be subject to review by the court of common pleas of Dauphin County. The Commission shall maintain in its main office a public docket or other record in which it shall record from time to time as made the rulings or decisions upon all complaints filed with it and all investigations instituted by it in the first instance upon or in connection with which any such hearing shall have been had or in which the licensee charged shall have made no defense. The Commission shall also give immediate notice in writing of such ruling or decision to the licensee affected thereby and as well where the investigation shall have been instituted by complaint filed to the party or parties by whom the complaint was made. If such ruling shall be to the prejudice of, or shall injuriously affect the licensee, the Commission shall also state in said notice the date upon which the said ruling or decision shall become effective if not theretofore appealed from and such date shall be not less than thirty (30) days from and after the date of the said notice. If the licensee can not at such time be found his whereabouts being then unknown, such notice may be given by the Commission by advertisement inserted in one issue of a newspaper of general circulation, published within the county where was located the residence of the licensee as designated in the license. When any revocation or suspension shall become final the Commission shall publish notice thereof in one issue of one or more newspapers of general circulation published within the county in which the licensee was engaged in the auctioneering profession at the time of such revocation or suspension.

(c) Such ruling or decision of the Commission shall be final when in favor of the licensee and in dismissal of the complaint filed, if any. If against the licensee or in any way to licensee's injury or prejudice, the licensee may at any time prior to the date fixed by the Commission in its said notice as the date it shall become effective, appeal from such decision to the court of common pleas of Dauphin County by filing written notice of such appeal together with reasons for such appeal in the office of the prothonotary of Dauphin County and by serving a copy thereof on the Commission, either by filing the said notice of appeal in the office of the Commission or by delivering the same to the representative, whether general or special, before whom the hearing in the case was had.

Section XXIII

Commission to File Transcript of Record Etc. Hearing on Appeal, Orders or Rulings

(a) Within thirty (30) days after the service of such notice of appeal the Commission shall file with the prothonotary of the said Court of Common Pleas a transcript of the records of the proceedings in its office duly certified over the seal of the Department of Public Instruction which record shall include all papers on file with the Commission affecting or relating to the inquiry or investigation conducted by the Commission and all the evidence taken in the said hearing, including the stenographic notes of testimony. Notice of the filing of the said transcript with the term and number to which filed shall be forthwith given by the Commission to the licensee and as well to the party or parties, if any, upon whose complaint the proceedings before the Commission were instituted. The cost of the said transcript at twenty-five (25c) cents per folio and one (\$1) dollar for certification shall be entered as part of the record costs in the cause to be paid as the said court may direct. In all proceedings, upon such appeal, the Department of Justice shall appear for and represent the Commonwealth.

(b) The appeal shall thereupon be heard in due course by the judge or judges of the said court of common pleas without a jury by whom the proceedings before the Commission, its findings and rulings shall be given similar weight, force and effect as are accorded to the findings and report of a referee selected or appointed under the provisions of the act entitled, "An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law," approved the fourteenth day of May one thousand eight hundred seventy-four (Pamphlet Laws 166) (Act No. 102) and its supplements.

(c) The order or ruling of the Commission in any such proceeding shall become of full force and effect upon the date fixed by the Commission in the said notice by it given thereof to the parties thereto unless notice of appeal therefrom shall prior to said date be duly served upon the Commission as hereinbefore provided. If an appeal shall

be so taken, such an appeal shall act as supersedeas until ten (10) days from and after the date of the filing of the transcript by the Commission in the court of common pleas of Dauphin County and notice thereof by it given to the licensee but not longer unless the said court of common pleas shall upon motion of the licensee, grant an order of supersedeas in which case the appeal shall be heard by the said court and its decision entered after the granting of such order of supersedeas. An appeal shall lie from the decision of the said court of common pleas to the Superior Court but no such appeal shall operate as a supersedeas unless made so by special order of the appellate court.

Section XXIV

**Records of Courts to be Evidence.
Revocation and Suspension of Licenses.
New Licenses Pending Investigation
or After Revocation**

(a) In all proceedings before the Com-

(Continued on Next Page)

**YOU MISS
SO MUCH**

*When You Are
on the Outside*

Membership in the National Auctioneers Association provides an invaluable association, a useful service, and a proper place in our united activity for the betterment of all Auctioneers and the Auctioneering profession. YOU are invited to share in our constant campaign for progress and growth.

Join Now

NATIONAL AUCTIONEERS ASSOCIATION

803 S. Columbia St.

Frankfort, Ind.

mission and as well in all proceedings upon appeal from any of its decisions the record or a duly certified or exemplified copy thereof in any proceedings at law or in equity in any court of competent jurisdiction in this or any other state in which the applicant or licensee charged or under investigation shall have been a party shall be admissible where the issue of fact involved in such proceedings are pertinent to the inquiry before the Commission and the verdict of the jury or judgment of the court in any such action at law or the decree of the court in any such proceeding in equity shall be prima facie as to the facts at issue in such proceedings and necessarily adjudicated therein. So also the verdict of the jury in any criminal prosecution in a court of record of this or any other state in which the applicant or licensee charged shall have been the defendant shall be conclusive as to the facts charged and at issue in such prosecution.

(b) Where during the term of any license issued by the Department of Public Instruction, the licensee shall be convicted in a court of competent jurisdiction in this or any other State of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud, or other like offense or offenses and a duly certified or exemplified copy of the record in such proceeding shall be filed with the Commission, the Commission shall revoke forthwith the license by it therefore issued to the licensee so convicted.

(c) In the event that any licensee shall be indicted in this or any other State for forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud, or other like offense or offenses and a certified copy of the indictment be filed with the Commission or other proper evidence thereof be to it given the Commission shall have authority in its discretion to suspend the license issued to such licensee pending trial upon such indictment.

(d) In the event of the revocation or suspension of the license issued to any member of a copartnership or to any officer of an association or corporation,

the license issued to such copartnership, association or corporation shall be revoked by the Commission, unless within a time fixed by the Commission where a copartnership, the connection therewith of the member whose license has been revoked shall be served and his interest in the copartnership and his share in its activities brought to an end, or where an association or corporation, the offending officer shall be discharged and shall have no further participation in its activities.

(e) Pending an investigation or proceeding before the Commission affecting any licensee and as well pending final decision upon any appeal taken by a licensee from the ruling of the Commission, no new license shall be issued to such licensee or to a copartnership of which he is a member or employe or to an association or corporation of which he shall be an officer or employe except for the period of such investigation or proceeding and subject to the action of the Commission thereon or therein.

Section XXV

Licenses After Revocation or Conviction

(a) After the revocation of any license no new license shall be issued to the same licensee within a period of one year from and after the date of such revocation nor at any time thereafter except in the sole discretion of the Commission.

(b) No license shall be issued by the Department of Public Instruction to any person known by it to have been within five (5) years theretofore convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud, or other like offense or offenses or to any copartnership of which such person is a member or to any association or corporation of which said person is an officer or employe or in which, as a stockholder, such person has or exercises a controlling interest either directly or indirectly.

Section XXVI

Penalties in Certain Cases

(a) Any person, copartnership, association or corporation who shall after the first day of January one thousand nine hundred fifty-six (1956) engage in

or carry on the profession or act in the capacity of an auctioneer or apprentice auctioneer within this Commonwealth without a license or shall carry on or continue such profession after the suspension or revocation of any such license to him or it issued or shall employ any person as an apprentice auctioneer to whom a license as an apprentice auctioneer has not been issued or whose license as such shall have been revoked or suspended shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars and for a second and any subsequent offense shall be sentenced to pay a fine of not less than five hundred (\$500) dollars nor more than one thousand (\$1000) dollars or undergo imprisonment for a period of not more than one (1) year or both in the discretion of the court.

(b) Any holder of a certificate of registration who shall fail to apply for a renewal of his or her certificate of registration on or before the renewal date in each year and who continues the practice of auctioneer or apprentice auctioneer shall on conviction thereof be subject to a fine of not more than ten (\$10) dollars to be collected by summary conviction as like fines are collected by law and in case of nonpayment of fine to undergo an imprisonment for a period not to exceed ten (10) days. Any such person shall have the right of appeal as in other cases of summary conviction.

Section XXVII

Oaths. Subpoenas. Process. Witness Fees. Enforcing. Attendance. Power of Commission

(a) The Commission and each of its duly authorized representatives and as well any special representative appointed by it to hold a hearing in any particular case shall have power to administer oaths and to issue subpoenas for the attendance of witnesses and the production of books and papers. In any hearing in any part of the Commonwealth the process issued by the Commission shall extend to all parts of the

Commonwealth and such process shall be served either in like manner as are served writs of subpoena in the court of common pleas or by any person designated by the Commission for such purpose. The person serving such process shall receive such compensation as may be allowed by the Commission not to exceed the fee prescribed by law for similar services in the courts of common pleas and such fees shall be paid in the same manner as provided herein for the fees of witnesses subpoenaed at the instance of the Commission. All witnesses who shall be subpoenaed and who shall appear in any proceeding before the Commission shall receive the same fees and mileage as allowed by law to witnesses in the court of common pleas which amount shall be paid by the party at whose instance the subpoena was issued or upon whose behalf the witness has been called. When any witness who has not been subpoenaed at the instance of any party to the proceeding shall be subpoenaed at the instance of the Commission or its representatives, general or special, the fees and mileage of such witness shall be paid from the funds appropriated to the use of the said Department of Public Instruction in the same manner as other expenses of the said department are paid.

(b) Where in any proceeding before the Commission, any witness shall fail or refuse to attend upon subpoena issued by the Commission or any of its representatives, general or special, or appearing, shall refuse to testify or shall refuse to produce any books, papers, the production of which is called for by the subpoena, the attendance of such witness and the giving of his testimony and the production of the books and papers required shall be enforced by any court of common pleas of this Commonwealth in like manner as are enforced the attendance and testimony of witnesses before commissioners appointed by any court of the United States or of any other state to examine or take the testimony of witnesses within this Commonwealth.

(c) The court of common pleas of any county shall, upon the application of the Commission, issue commissions or let-

(Continued on Next Page)

ters rogatory to other states for the taking of evidence there for use in any proceeding before the Commission. The Commission shall make such application at the instance of any party to the proceeding before it unless in the opinion of the Commission, such application is made for the purpose of delay. Any such party shall be entitled as of right to subpoenas from the Commission directed to such witnesses and for the production of such books and papers as the party may desire.

Section XVIII

Grounds for Revocation of Auctioneer's Licenses

(a) No violation of any of the provisions of this act on the part of any apprentice auctioneer or other employe of any licensed auctioneer shall be ground for the revocation of the license of the employer of such apprentice auctioneer or employe unless it shall appear upon the hearing, had that such employer had guilty knowledge of such violation. A course of dealing shown to have been persistently and consistently followed by such employe shall constitute prima facie evidence of such knowledge upon the part of his employer.

Section XXIX

Unlawful Acts

(a) It shall be unlawful for any licensed auctioneer or apprentice auctioneer to pay any compensation in money or other valuable thing to any person other than a licensed auctioneer or apprentice auctioneer for the rendering of any service or the doing of any of the acts by this act forbidden to be rendered or performed by other than licensees.

(b) No apprentice auctioneer shall accept or receive compensation of any kind from any person other than the licensed auctioneer by whom he is employed for any service rendered or work done by such apprentice in the discharge of his duties as such.

(c) The violation of the provisions of this section by any license shall be sufficient cause for the suspension or revocation of his license in the discretion of the Commission.

Section XXX

Actions by Unlicensed Persons Prohibited

(a) No action or suit shall be instituted nor recovery therein be had in any court of this Commonwealth by any person, copartnership, association or corporation for compensation for any act done or service rendered, the doing or rendering of which is prohibited under the provisions of this act to others than licensed auctioneers unless such person, copartnership, association or corporation was duly licensed hereunder as an auctioneer at the time of the doing of such act or the rendering of such service.

Section XXXI

Enforcement of Act. Applicability

(a) The Commission may act by a majority vote of the members thereof and authority is hereby given to the Commission to adopt, fix and establish all rules and regulations in its opinion necessary for the conduct of its business, the holding of hearings before it and its representatives, and otherwise generally for the carrying out of the provisions of this act.

(b) The provisions of this act shall not apply to any cities or counties of the first and second class of this Commonwealth.

Section XXXII

Saving Clause

(a) If any section, subsection, sentence, clause, phrase or requirement of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The Legislature hereby declares that it would have passed this act, each section, subsection, sentence, clause, phrase and requirement thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or requirements be declared unconstitutional.

Section XXXIII

Specific Repeals

(a) The following acts and parts of acts with their amendments and supplements are hereby repealed except as

same may apply to cities and counties of the first and second class of this Commonwealth.

The act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws 519) entitled, "An act concerning boroughs and revising amending and consolidating the law relating to boroughs," as reenacted and amended by the act approved the tenth day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1621), in so far as it relates to the licensing and regulation of auctioneers therein.

The act approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws 932) entitled, "An act relating to cities of the third class and amending revising and consolidating the law relating thereto," as reenacted and amended by the act approved the twenty-eighth day of June, one thousand nine hundred fifty-one (Pamphlet Laws 662) in so far as it relates to the licensing and regulation of auctioneers therein.

The act approved the twenty-fourth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 1206) en-

titled, "An act concerning townships of the first class amending, revising, consolidating and changing the law relating thereto," as reenacted and amended by the act approved the twenty-seventh day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1955) in so far as it relates to the licensing and regulation of auctioneers therein.

The act approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws 103) entitled, "An act concerning townships of the second class and amending, revising, consolidating and changing the law relating thereto," as reenacted and amended by the act approved the tenth day of July, one thousand nine hundred forty-seven, (Pamphlet Laws 1481) in so far as it relates to the licensing and regulation of auctioneers therein.

If she's let an hour go by without criticizing your driving, show your appreciation. Try not to wake her.

Income tax is a game of hide-and-seek—the tax collector seeks your hide.

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BECAUSE—

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THE LIGHTER SIDE . . .

"BID-HAPPY" TO THE END

X A miserly auctioneer who was seriously ill was in conference with a specialist. "You are in the advanced stages of a very rare disease," said the specialist, "but for \$500 I can cure you."

"That's encouraging," whispered the auctioneer, "but you'll have to shave the price. I've just had a better bid from the undertaker."

RURAL AND URBAN

Thumbnail picture of how a country changes as industrialization and mechanization advance:

Sixty-five percent of the people of Mexico live and work and live on the land. Long ago the same was true in the United States. But today the proportion of this country's people living on farms is down to 13½ percent.

THEY DID

The president of the firm bought a number of those "Do It Now" signs and hung them in his offices. In a few days he found out that the cashier had fled with \$50,000; the bookkeeper had eloped with his private secretary; three clerks had asked for a salary raise, and the office boy had gone to Hollywood to get into the movies.

THE TRUTH IS EXPOSED

He became very ill and was rushed to the hospital. Next day, his boss was among the first to pay the sick man a visit.

"Now, Henry," he soothed, "you just don't worry about a thing. Everyone down at the office is going to pitch in and do your work—as soon as we can figure out what you've been doing."

If at first you don't succeed try and try again. Then quit. There's no use being mule headed.

At a cocktail party you are closely observed by those who came to see rather than to imbibe.

HIS TIME WAS SHORT

Max sat brooding for a moment in the doctor's office.

"So I only got a few months to live, eh, Doc?"

"I'm afraid that's it," the physician told him.

"Well," said Max thoughtfully, "I guess I'll join the Communist party."

"Why?" asked the surprised medico.

"I'll tell you why," declared Max. "It's better that one of them bums die than a good loyal American."

Anatomy Lesson

A bashful interne had one of the nurses out on a date, and enamoured at the nearness of the lovely creature, he moved closer, bolstering up his courage to a point where he asked permission to put his arm around her waist. Taking silence for consent, he encircled the lady, and in his rapture proceeded to draw her closer.

"Just a minute," the R.N. protested. "If that's where you think my waist is, I'll never call on you if I want my appendix removed."

Apt Reply

Out West, a tourist spoke to a desert rat.

"My good man, you're dressed like a prospector. Would you mind saying what you're prospecting for?"

"Uranium," said the desert rat.

"What does it look like?"

"I dunno."

"Well, my good man, you can't expect to find anything if you don't know what it looks like?"

"No?" replied the prospector with a yawn. "Ever hear of Columbus?"

Two of a Kind

Wife (whispering): "Wake up, Bill. There's a burglar going through your pockets."

Husband (muttering sleepily): "Leave me out of it. You two fight it out yourselves."

Might at That

The judge was reprimanding the wife-beater severely and finally asked:

"Will you give me just one good reason why I shouldn't send you to jail for a long time?"

The wife-beater looked at the judge calmly and answered:

"Well, for one thing, it sure would spoil our honeymoon."

Just Wanted a Chance

The talkative lady was telling her husband about the bad manners of a recent visitor.

"If that woman yawned once, John, while I was talking to her she yawned a dozen times."

"Maybe she wasn't yawning, dear," replied her husband. "Maybe she was trying to say something."

A Short Night

A cowboy visiting a neighboring ranch was invited to stay overnight. He retired to the bunkhouse late in the evening. Because of plans to drive cattle to the railroad, everyone was routed out of bed at 3:30 the next morning.

"Humph," yawned the visitor. "It shore don't take long to stay all night here."

Wished He Had No Hair

Reporter—Have any of your childhood hopes been realized?

Business Man—Yes. When mother used to pull my hair I wished that I didn't have any.

Commended by the Judge

A traffic judge had before him two drunken drivers who had been involved in an accident. He said:

"I wish to commend you two for running into each other instead of some innocent person. If this sort of thing can be encouraged, I think we may have hit upon the solution of a serious problem."

Had Some Experience

Applying at the accounting department of a railroad for his first job, the recent high school graduate was momentarily stymied by a question on the application blank which read: "What machines can you operate?"

Pausing briefly, he finally wrote: "Slot and Pin Ball."

A perfect gentleman may never get his face slapped, but he misses a lot of fun.

If you can't say what you think, my dear girl, why not keep quiet instead of waving your arms?

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Col. Houtchens of Illinois, Succumbs

A heart attack proved fatal for Col. Faye L. Houtchens, Monmouth, Ill. Col. Houtchens died on December 9 and was buried at Monmouth, December 11. He was a member of the Illinois Auctioneers Association and the National Auctioneers Association and highly successful in his profession, especially in the real estate and farm sale field.

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Predictions and Hunches

By Col. Elias Frey

The market on tractors was a spotty and unpredictable affair. Some models appeared to be 25 to 50 dollars higher, while some were that much lower. However, we were short on good clean tractors, and they always sell at fair prices. It is the rough dogs and off-color tractors that are a drag on the market. I look for a higher market starting in December, and a good market this winter on good used machinery of all kinds.

Implements were scarce and a good

thing that they were, because the buyers were just as scarce. The market was a very slow and dull affair on all implements, except corn pickers and shredders, which still sold fairly well.

That about sums up the market and outlook for farm machinery for this month. The only thing I would like to say yet, is look for good price gains in February, March, and April, and have that machinery painted up and ready to go, and it will sell.

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TEN REASONS WHY EVERY MEMBER SHOULD GET NEW MEMBERS

- 1. Added Membership will make your Association a stronger influence in your community.**
- 2. Added Membership will give your Association a greater opportunity to help and improve Auctioneers.**
- 3. Added Membership in your Association will help convince members of your State Legislature, and those you send to Congress that they should vote right on issues that effect you personally — Example, licensing.**
- 4. Added Membership will enable your Association to expand its activities, with greater opportunity for all.**
- 5. Added Membership will help your Association obtain the cooperation of leaders in legislation for the protection of the Auctioneer Profession.**
- 6. Added Membership in your Association will enlarge your circle of friends and business contacts.**
- 7. Added Membership in your Association will give you greater personal security in the protective support of the Association.**
- 8. Added Membership in your Association will enable you to enjoy the storage of information and benefit thereby.**
- 9. Added Membership in your Association will assist you in any part of the country that your profession may take you.**
- 10. Added Membership in your Association will give you the prestige and influence that makes for success, elevating the Auctioneer profession, dispel unwarranted jealousy and selfishness.**