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(Col. Van Pelt Story on Page 7)





THE AUCTIONEER

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John W. Rhodes
Editor

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Hello Men:

It's time for another one of these scandal sheets to go out and here I sit at this typewriter while I am sure most of the auctioneers who will read this are sound asleep. I don't mean I'm writing this late at night, I mean it is early in the morning. While I am doing this many of you fellows are pounding your ear and I wish I would be able to total up all the sales you are making in your dreams. If I could only take half of the regular commission on those dream sales it would be a check about which I could do some dreaming myself. It is my opinion that we can do a lot to make our dreams come true if we will get up and work hard to do our best while we are awake. Col. Reppert used to say, "Get up when you wake up, and wake up when you get up." One thing we are sure of, he lived by that rule and most of his dreams came true because he got up and went after them with all the power he had.

Please, no more belly bands. Since the last article there have been several men who have sent in belly bands for our pony harness. I appreciate your thought in the matter but we are well supplied now. We will build a barn this summer and when we do instead of the usual tack room so many people make we are going to build a belly band room. If there are any of you who have a sale coming up and can use a few dozen belly bands please let me know, I would be glad to consign them to your sale and will let you keep half for your commission. If they bring half they will do well. One man in Nebraska was very thoughtful and cooperative. He didn't have a belly band for a pony but he wanted to help us out so he sent in some kind of gadget and it had me fooled for a long time until I finally discovered it was a part off some woman's girdle, no doubt his wife will be hunting all over for it. If she will write and describe the article we will be

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IT SEEMS TO ME —

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glad to return it, we have no use for it, tried it on our pony and it hung down so far she had trouble walking - much too big for our horse.

For those of you who are getting your paper for the first time and wonder about all this trash - last month in The Auctioneer, I told about our pony running away and tearing up her harness and losing her belly band. I asked if any of the readers had an old one laying around and man what response. I tell you it really pays to advertise.

I felt bad about the January issue being late for awhile, but it was because of the rush of business I had to take care of right at that time. I don't feel so bad now though for just last week on TV Red Skelton wished me a "Merry Christmas", and I thought maybe The Auctioneer wasn't so late after all, especially since I think Red was wishing me a "Merry 1950 Christmas" at that. I thought TV was like radio and telephone but I guess not, man it takes a long time for those pictures to get here. Last night Herb Shriner had a New Year's program too.

I saw something in the paper a few days ago that caused me to realize why a Big Shot in pictures or politics has to have a valet. (I'd rather write "valet" than say it, it's easier to spell than pronounce.) Well anyway this article I read was about Truman. The heading said, "TRUMAN LOSES TOP SUPPORTER". Now isn't that embarrassing. I was in a play at school once, back in the days when I tried to keep my socks up, and one of my supporters came unhooked. Man did I ever feel embarrassed. I slid over behind a chair and as soon as I could get off the stage I took care of it right away. Just imagine the president's position. He evidently wears two of them on each leg and lost his top one. That was bad enough but some newspaperman made a big story out of it. He didn't do a very good job of it though because he went on to tell of some big politician who was not going to stand with the president any more. I didn't pay any attention to that though, I couldn't think of anything but poor Mr. Truman standing there, embarrassed to tears, because his top supporter had come unhooked and some guy put it in the paper.

The auction business is more than a

business, IT IS A PROFESSION and will be as high type AS WE WISH TO MAKE IT. I am surprised and disappointed in many men who are in the field because of how little they are willing to spend to make it better. Many names are sent me by the secretary and his note is, "These men have been notified that their membership has expired and have not renewed, drop them from the mailing list." Isn't that too bad that men will fail to renew. All it would cost is \$10.00 - \$10.00 that a farm sale man can make by selling a tractor, a furniture salesman can make by selling a refrigerator, \$10.00 that any of you can make in less time than it takes me to write this article. That \$10.00 is deductible (when I made out my tax report I thought it would have been just the same if it had been \$50.00.) The \$10.00 I'm speaking about gives you membership in the only organization in America that is striving to do something for your own profession in a national way. That \$10.00 gives you a right to wear a pin on your coat reading NAA and of the many many people that have asked me what that pin meant, I have always filled with satisfaction when I answered, "It's the official pin of the NATIONAL AUCTIONEERS ASSOCIATION." There will come a time when people will strive to get into the association. The people then will owe a lot to the pioneers in the movement. I AM GLAD TO BE ONE OF THOSE PIONEERS and surprised at so many men who see fit to drop out for the simple reason of \$10.00. There isn't a thing cheap about the auction business unless we who are in it want to become that ourselves. If you have received a letter stating your membership is due, FOR THE SAKE OF YOUR FUTURE AS AN AUCTIONEER make out a check and mail it right in. You risk so little and stand a chance to gain so much the odds are all in your favor. Do it TODAY.

See you in Minneapolis,

John W. Rhodes

Ashes to ashes - dust to dust
To get those members, as secretary I must.
Come on fellows, without any more fuss
Bring in those new members, so they'll be proud of us.

On the auction block it is far better to drive one thought home than to let three die on base.

Hedy Sells Her Past

By PETE MARTIN

Continued from January Issue

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The thrill-seekers had a field day when Hedy Lamarr sold her belongings at auction. Here is a Post editor's report on the shindig — including answers to why did she do it, why a woman married three times sells four wedding rings.

Seven years ago, my first Hollywood assignment had been to go shopping with Hedy. It had seemed then that there might be an off-trail story in visiting a Los Angeles department store with her while she helped me select a nightgown for my wife. Staring and avid crowds had gathered in the store when they'd heard Hedy was there. One woman looked at me and said, "He looks like a private dick. He must be one of her bodyguards." I hadn't been flattered, but I tried to ignore the remark as I told Hedy that Philadelphia was colder than Southern California and that my wife wanted something warm. We'd decided upon a flowered flannelette gown priced at \$10.95, and Hedy, said, "I want one of these for me, too." All that happened back in 1944, but I wondered if "Lot No. 420, a floral flannelette nightgown," was the one she'd bought then. On the chance that it was, I wanted to bid it in as a memento of my first Hollywood writing chore, a "this is where I came in" souvenir.

When I told Goode why I wanted to purchase it, he shot me an odd look. "Believe it or not, she came in and took that nightie back this morning," he said. "Why she wanted it I don't know. Maybe the nights are cold in Mexico or something. But tomorrow morning I'll call her up and try to get her to bring it back."

The next day I showed up at the auction gallery and Goode put a call through to Hedy. "I'm calling about that flannelette nightie you picked up yesterday morning," he told her. "There's a wealthy old party who wants to buy it". The invention about the "wealthy old party" made me cringe a little, but I didn't interrupt. I sat only a few feet away from Goode and I could hear Hedy's voice ask, "How much?"

"I don't know," Goode said. "But you might buy a new nightie for what it could

bring." It seemed unlikely to me that she would go to the trouble of making the journey to the auction room on the chance of collecting such a minor sum, and when Goode hung up, I asked, "Do you think she'll bring it back?"

"She'll bring it back, all right," he said. "This girl is no more allergic than anyone else to making a dollar."

I remembered that during my interview with her I'd remarked, "Of course, a sale like this will bring you money," and she had asked, "Is that bad?" So maybe Goode was right.

The final session of the auction was a double-header - - half in the afternoon, half in the evening. Goode began the afternoon session by announcing that checks and money orders were pouring in from places as remote as Canada, Mexico, Germany and England, with the request that he buy "anything that belonged to Hedy for me." He told his audience, "I must say, we certainly have some unusual items in this sale. We've got a handkerchief inscribed: "To the most beautiful woman in the world, from his admirer." It must have been given to Miss L. by a Japanese gentlemen who got his genders mixed.

For this last session, Goode and Wass had employed models to show Hedy's garments. When one of the girls - - a bosomy creature - - appeared in an eyelet blouse and skirt, there were whistles and wolf calls. Goode felt it necessary to announce, "This is not a slave auction. The model stays with us." A white suede blouse went to the owner of a second-hand fur shop on the Eastern seaboard, who had flown across the continent hoping to buy Hedy's furs for his customer. Hear-

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HEDY SELLS HER PAST—

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ing that I was writing about the sale for a national publication, she sought me out and asked me, "Why am I buying so many small things, such as handkerchiefs, nylons, gloves, bathing suits, terry cloth robes and shoes?" Then, without pausing, she answered his own question, "I plan to give away a piece of lingerie or some other item that belonged to Hedy as a bonus to my customers."

While Goode and Wass "standards" precluded a public display of such feminine fripperies as girdles, brassieres and nylon briefies, they didn't rule out a showing of sleeping garments.

Goode held up a nightie, said, "It's filmy, lovely; it ought to be engaged." And it went to a man in a porous T shirt upon which were printed Hawaiian palm trees and hula maidens.

Goode gave me a meaning look, opened a paste board box and took from it a flowered flanelette nightgown he had asked Hedy to bring back because a "wealthy old party" coveted it. When the bidding reached six dollars the gavel fell and the nightie was mine.

A model appeared in a black cashmere-cardigan sweater and shorts, and a male customer reached out to feel the texture of the sweater. Goode commented, "Judging by the research our friend here is doing, he must be a sculptor." The cashmere tester retired in red-faced confusion.

The sale was now reaching discarded blue and white kid wedgies, scuffed and worn brown and white spectator shoes, black and white spectator pumps, black suede and alligator pumps. Goode sold a pair of black suede sandals for \$3.50 after remarking, "Remember Hedy walked here."

The man sitting next to me said, "Back in Ohio where I come from, you can buy a bushel of shoes like that at a country sale for a dollar, but this country out here is sure a different kind of country."

In the audience was a dress designer who had made many of Hedy's clothes. She watched one of her \$300 creations go for \$25, another \$395 number of blue chiffon sell for \$50. Auction fever seized me and I found myself waving my hand frantically while the bids for a pink satin

housecoat mounted. The woman next to me spurred me on by hissing in my ear, "It's a bargain. Don't let it get away from you." I glared at a man across the room who was being stubborn about wanting the garment, and when it was finally knocked down to me for \$57, I could feel my face wreathed in a smug smile of triumph. The one-woman cheering section at my side remarked, "That'll build lots of character for you with some lucky woman." I told her hastily, "It's for my wife!" Then I was sorry I hadn't let her believe what she had obviously wanted to believe. Word was relayed to me, along the row where I sat, that the dress designer who had made the housecoat was complaining testily, "Fifty-seven dollars for all that material and workmanship makes me sick at my stomach!"

One of Goode's assistants displayed a blouse with H.M. embroidered on it, and a male customer asked, "Why H.M.?" One woman scornful of such ignorance said, "H.M. is for Hedy Markey, of course. Markey was her second husband."

Goode held up a garment and asked, "How much am I offered for this slip?"

A voice from the crowd corrected him, "That's not a slip, it's a half slip."

"O.K., so it's a half slip," said Goode. "I wish I made only half slips instead of the kind I usually make." There was a chorus of groans at his witticism.

When a pink satin nightgown was put up, the man next to me bid one dollar. Goode gave him a fight talk. "You'll never get anywhere that way, friend," he said. "It's not the money we're interested in . . . it's the amount." Occasionally he asked the audience to help him keep his movie-star client in a mellow mood. "Miss Lammarr may reach for the phone right after this session to ask home much money we took in," he said. "I know you don't want her to be dissatisfied."

There were no bids at all for the next item to reach the block — a man's swimming trunks. The crowd wasn't there to buy the bathing trunks of one of Hedy's ex-husbands. Sensing the disinterest of his audience, Goode hastily put up a white terry-cloth Bikini bathing suit. It was worn by the amply curved model.

A woman in a tailored gabardine suit eyed the girl in the Bikini bathing suit un-

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happily. "Nobody can live up to the things she's done for that bathing suit," she said.

Goode remarked, "Steady, men; let's not let our emotions run away with us," but one customer was so carried away that he paid ten dollars to own the Bikini.

Feeling that the bidding for a dress with a plunging neckline was sluggish, Goode asked the bidder, "Are you offering that paltry sum for the whole dress or just the neckline?" A black chiffon cocktail dress that looked as if Hedy were still lingering inside it was put up. Goode gave the crowd an arch look. I realized that it was upholstered with a built-in bosom. Wass said something to him. Goode raised his eyebrows as if to say "So what?" and went on with the sale. I found later that Hedy's representative had warned Wass that any hint that her bodices contained reinforcements would "make Miss Lamarr very unhappy."

Despite Goode's protest that "Christian Dior will be utterly frustrated if he ever hears about this," a taffeta original by Christian Dior sold for \$47.50. When he asked, "How much for this Hattie Carnegie creation?" a voice said, "Fifteen dollars." Goode looked at the bidder sharply and said, "Hattie Carnegie won't even shake hands for that kind of money."

He held up a large envelope and announced, "I'm selling the contents of this envelope sight unseen. As you know, we here in Hollywood live in a puritanical community, so all I'll say is, it's not a set of dishes." The envelope plus contents brought \$10.50, and one of Goode's assistants whispered to me, "that ten and a half dollars was for a pair of pink panties."

We were working our way into the furs now, and a model strutted back and forth in a white mink stole for which Hedy had paid \$2700. When it brought \$1000 less, Goode said, "Stole at \$1700." A man near me said that Goode was slipping. "I could see that pun coming round the bend," he said. "His stuff usually has more hop to it than that." The next lot was a sable-toned mink shawl 116 inches long, with pelts set diagonally and border made of additional pelts. It had cost Hedy \$3750, and was knocked down at \$1350.

The most impressive fur item in the sale was a wild-mink coat with a set-in sun-

burst back, a Tuxedo front, and sleeves that turned back to form a deep cuff. Goode switched on his persuasiveness full voltage. "If your wife is short," he said, "she won't be too short in this. A woman grows at least a foot when she puts on such a coat." Goode told a bidder who bid \$1500, "I won't embarrass you by hearing you. This coat is as rich as your dreams of luxury." In the end, the wild-mink dream of luxury brought \$4200.

When an upholstered divan was trundled out, Goode said unbelievably, "I only hear fifty dollars, and they say there's an inflation on." There was an explosion outside on the street and Goode ad-libbed, "Probably an upholsterer blowing his brains out at the shame of such prices." An assistant went to the door and returned to report that a boy had set off a fire-cracker.

This session obviously was nearing its end. Goode's voice was growing hoarse; his face shone with sweat, which was not surprising after twelve evenings and fifty-four hours of high-pressure selling. "In this sale so many things have been added since the catalogue was printed that at times it must have seemed confusing to you," he said. "However, in spite of the huge crowds, including a great number of people who have never seen an auction sale, everyone has been wonderfully patient and co-operative . . . including myself."

Goode said wearily, "We have here a dozen pieces of jewelry Miss Lamarr has also decided to dispose of. We'll never finish this sale if she keeps on this way. If you folks will remain seated, in a few minutes you will undoubtedly see me in my own version of The Death of a Salesman."

GREETINGS

WE ARE BEHIND THE ETHICS
AND PRINCIPALS OF THE
N. A. A. 100%

ILLINOIS AUCTIONEER'S
ASSOCIATION

35 Years . . . 5,000 Sales

They say if you want something done get a busy man to do it. Colonel Herbert Van Pelt, of Readington, New Jersey, started out to be a busy man on March 3, 1917, by crying his first auction sale and has never ceased being a busy man. As a matter of fact, each succeeding year finds him engaged in activities all of which he finds time to give of his attention and efforts, but never too busy to give of his talents for charity whenever called upon.

Colonel VanPelt, during the past thirty-five years has cried in excess of 5,000 auction sales. He conducts all types of sales but specializes in livestock, farm machinery and equipment. Massachusetts, New York and Pennsylvania as well as all of New Jersey is the territory covered by Col. VanPelt. It was only recently that he was obliged to give up farming but continues to reside on his 135 acre farm renting out the land to a tenant farmer. Still most active selling three to five sales every week and in excellent health despite his 73 years of active life.

In addition to auctioneering this veteran auctioneer has many and varied interests. He is a farmer, president of the Raritan State Bank, president of the Whitehouse Building and Loan Association, president and treasurer of the Farmer's Mutual Fire Assurance Association of Readington, N. J., which is one of the largest Mutual Fire Assurance Companies in the state, trustee of the Somerset Hospital, Somerville, N.J., director of the Flemington Fair Association, Flemington, N. J.. He has served : jury commissioner of Hunterdon county, N. J. and the Hunterdon county tax board. For fifteen years he served as a member of the board of visitors of Rutgers Agricultural College. He was sent to the New Jersey legislature by the Hunterdon county electorate. Served several years as a member of the Farm Home Administration. He is a most active member of the New Jersey State Society of Auctioneers of which he is a director. Also an active member of the National Auctioneers Association. Col. Van Pelt has always taken an active part in politics, is a great civic worker always finding time to help in the betterment of his community, county and state.

If you want something done you get a busy man to do it. Despite his advanced age and numerous interests of which auc-

tioneering is his greatest love, he with Col. Potts, of New Jersey, always find time to attend the national conventions. They are the first to arrive and the last to leave. Two weeks during convention time is set aside and leisurely they motor to the convention city always being among the first to register and always among the first to take their places at each session of the conclave. After the convention is over they make the rounds bidding all goodby and expressing the sincere desire that they will meet again at the next convention. Leisurely they tour the points of interest and then head for home, refreshed from their visit, encouraged and inspired by the convention and await the time to start again.

"The Auctioneer" takes pleasure in presenting this brief biography of one of the busiest auctioneers in America and salutes you, Col. VanPelt, on a record that we younger auctioneers would do well to emulate.

When you want something done get a busy man to do it.

Get TWO in '52

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Fifty Years At Auction . . .

By 'POP' HESS

Well here it is, January 14, the last day in the afternoon to get off my little column for this attractive publication "THE AUCTIONEER" — a publication that should be received by every AUCTIONEER in the U. S. and Canada. Maybe not so much as some of the things the pages have printed on them, as it would be an inspiration for all auctioneers to tune up and explode what he has on his chest to make the publication still better - and more attractive. And last but not least, SPREAD THE CIRCULATION TO ALL WHO ARE OR WOULD BE IN THE PUBLIC SALE FIELD FOR BETTER AUCTIONS.

One reason I delayed this month's writing until this date was that I wanted to write it following the annual meeting of the Auctioneers Association of Ohio, held yesterday, January 13, at Columbus, Ohio. And say boys it was some hot meeting all day long, with a big turkey dinner at noon, with all the trimmin's paid for by the association and free for all members or non-members.



"Pop" Hess While I did not get the total count, over 100 auctioneers were present and this association has now been going close to ten years and ranks with a membership of some one hundred - fifty members. However there are some 1500 auctioneers in Ohio. It has been some job to get the full quota to attend. The only thing I can say of this, is the ones that do stay away miss a very good, interesting day, where many items of importance are fully discussed and much good does come from it all.

This being their annual meeting, officers were elected for 1952. W. O. Sargent of Bradford, Ohio, was elected president, Wayne Rowlee of North Bloomfield, Ohio retiring from the office he has so well served the past three years. John Pfarr Jr. of Richwood was re-elected vice president. John Sargent was re-elected secretary-treasurer. This boy has held this job down very efficiently now for some five years. While they have nine directors on the

board, serving three year terms, with three to be elected each year. The new directors elected were Wayne Rowlee of North Bloomfield; Jonathan Mason, East Liverpool, and O. V. Hall, Celina. Also one extra director had to be elected to fill the directorship of O. W. Sargent. S. C. (Sy) Sprunger was elected. He is from Kidron. Sy is the chap that owns and manages the famous Kidron Auction, with a big sale Thursday of each week, doing a two million gross business each year. All the officers elected are outstanding Ohio Auctioneers. In fact the total membership is comprised of men who are very active in auction sales. Some are well-known in purebred sales nationally.

One director, Si Lakin, who was absent from the meeting, the first he has missed since the association was set up, and Si is one of Ohio's very busy auctioneers in the Columbus district, selling many sales that hit high totals for the year, there was a sad moment in the meeting when the announcement came thru that Col. Lakin's father had passed on, just a few hours before the meeting opened.

Two of our Ohio members in attendance are also members of the National Auctioneers Association, Homer Pollock and your vice president of the NAA that good looking Col. Wilson. Each of these boys gave the meeting a fine talk on the past NAA convention held at Decatur, Ill. last July. (The one I missed thru mixed dates, and Col. Pollock was my alternate.) Each of these chaps gave a good account of everything and held a very close attention of the entire audience.

We do hope or should say my thought is a long with many that it should come to pass that all state auctioneer associations would become connected with the National Association of Auctioneers. For as you know as many of us see it, the time is close at hand for strength, with a combined order of all auctioneers to face many problems that are knocking at the auctioneer's door daily.

Price control was one of the topics of the day yesterday. As you know, farm machinery, new or used is now ear-tagged for price control throughout the U.S.,

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FIFTY YEARS OF AUCTION—

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putting a limit on all items from the garden hoe up to the largest farm tool used, with a flood of literature, page after page mailed out to all auctioneers, telling them they will be held, along with both the owner and buyer, for a trip to see the judge if they violate one little item. If you sell it over the ceiling price, WOW! If this sticks each auctioneer selling machinery, including farm tools, will have to carry a long list sheet on each item and before he sells out on each item, say hold everything, until I look at the sheet. If hitting the ceiling he says, "Boys stop bidding or we will both be in the jug for supper".

Now the Ohio boys were all alert on this in their meeting yesterday and they had one of the price control boys there to explain his side of the matter. He was a very fine fellow, but when Homer Pollock, Sy Sprunger and Clarence Latham, who were the main spokesmen for the association, got pretty hot with some very pointed questions, President Rowlee wore his gavel out trying to keep down so much confusion. It was evident from the spirit of this meeting that price control is a joke, but will be complied with, as our Ohio boys are true Americans. They believe however that the law should be thrown out the window.

In this price control law, as was the same in World War II, the source and rope is put around the neck of the auctioneer, to see that the law is complied with. It is he who has to make his employer hot under the collar, telling him what he must do or not do, with the result that many of the men who employ the auctioneer accuse the innocent, ham-tied auctioneer of being in cahoots with politics, etc. Yet it is a law, and the auctioneer is IT. He is in the middle. He must handle both his employer and his buyer regardless. And the result is it can lose the auctioneer many dollars in gross business.

Getting back to the thought of united strength in auctioneers, when such times come, where conditions are such, prices must be controlled before the lawmakers could hang a group of auctioneers, they could present some horse sense to Washington on how the noose should be tied.

Also there are all kinds of state and county license laws popping up. There is only one answer as this writer sees it, a

united license law for auctioneers of the U. S. One where he can operate his public sale work as an auctioneer and one where each auctioneer who has a license is worthy of having a license. Also a law preventing each sale from putting a bar on in their state as to who shall and shall not, if a bona fide auctioneer, operate.

This license law is a big order, but it looks to me that the auctioneers who know should write this law rather than leave it to WHO, that will in time write one. The only answer is united strength. One state cannot do the job to fit. Let's get ahead of this confusion before the confusion gets a strong hold that could affect the auction business very seriously, and could in some way ruin the great legitimate business it now is.

This thought of a license law for auctioneers has been hashed over to my personal knowledge for forty years. It has been put aside with the remark, "Let sleeping dogs sleep". We have in many states already seen the sleeping dogs wake up and take a nip, sometimes quite a bite. It is time we become careful of dog bites. The shots they give nowadays for dog bites sometimes is worse than the bite.

Well there it is for February boys. Who is the Moses who will attempt to really draft up something for every auctioneer to shoot at? That is the spot to start with. No auctioneer will write one to suit everyone but my guess is if you put out one with a full mouth, with all teeth sharp, it will, if done before the next NAA convention date and published as a proposed law. All roads to Minneapolis will be black with United States auctioneers who will want to expound their view point, both good and bad and from it all received in clear open mind, a just law will be born.

Am I nutty? Think it over. Again I say a billion dollar business on the loose is subject to crack-pot pry some day, and that day is not too far away.

They say "A friend is a golden link in the chain of life". Why not forge that "golden link" a little tighter and ask an auctioneer to become a member of the National Auctioneers Association. "Get two in '52".

Get TWO in '52

Clyde Wilson Sells Columbus School

The Marion Star, Marion, Ohio — The Marion Board of Education accepted the high bid of \$261,000 for the Old Central Junior High School grounds Thursday afternoon, January 3. The purchase was made by Standard Realty, Inc. of Columbus, at a public auction which started at 2 p.m. Thursday on the front steps of the junior high building at the W. Center St. grounds.

The new owners intend to erect, in the near future, a commercial structure of some type, possibly a shopping center, with adequate parking facilities, the representatives said.

A certified check for \$26,100, ten per cent of the purchase price, was received by the school board Thursday, according to the terms of the sale. The remainder will be delivered to the board when attorneys have had an opportunity to check the title and the board can transfer a valid deed for the property. Don Williamson, Marion attorney, represented the board of education.

About 200 spectators were gathered when the sale was opened by Clyde M. Wilson, auctioneer, and most of them remained until the last bid, in spite of the snow and cold. Bidding was not too spirited. There were a total of three, but only two were contesting at any one time. After Ben Peterson, Marion businessman, opened the sale with a \$100,00 bid the figure slowly progressed until the high figure was reached about an hour later. Another outside interest was also bidding on the property.

Only one member was absent when the board of education meeting in Hotel Harding immediately after the sale, after a half-hour deliberation, voted unanimously to accept the figure and proceed with terms of the sale, J. D. Torrance, board president reported.

It was the largest tract of public property ever offered for sale in Marion. The lot, covering almost three acres, is 326½ by 429 feet and borders W. Center St. on the south, Campbell St. on the west, Oak St. on the east and the New York Central Railroad right-of-way on the north.

The price received for the property was approximately what the school board was interested in getting, board members said.

The property had previously been declared of no further use for school purposes

by the board, as required by state law. The law stipulates that school property can be sold privately to county or city governments, otherwise it must be offered at public auction. City and county officials here were given an opportunity to purchase the grounds but school authorities said no further interest was indicated from those groups.

Sale of the property had been under consideration by the board for several months. The group had publicly declared its intentions and attempted to get the opinion of interested citizens before deciding to sell the grounds as one lot, with buildings, instead of in individual lots.

The sale was publicized both locally and in the business world, school officials said.

Many of the sale spectators were former students in the old school which has a history dating back almost 100 years in its present location. Surely many were reminiscing of schoolday experiences that always make interesting recollections. The old walls, if they could talk, could undoubtedly reveal countless tales of the hundreds who sought their formal education within the old confines.

The sale Thursday was one of the last official acts of the present board of education. At the January 7 meeting the term of Mr. Torrance expires and he will be replaced by Charles D. Harmon, elected to the board last November. Other board members are E. Paul Bachman, Dr. Daniel W. Brickley Jr., Rodney Cox and Frank C. Robinson. E. Paul Huffman is board clerk and Lester L. Dickey is superintendent of schools. All board members were present except Cox, who was out of the city on business.



Get TWO in '52

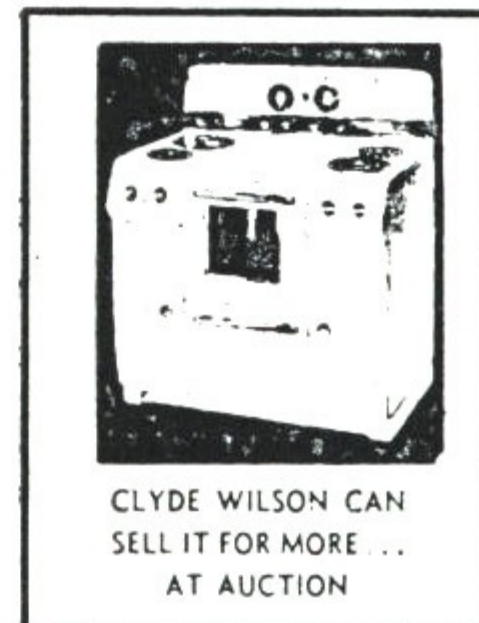
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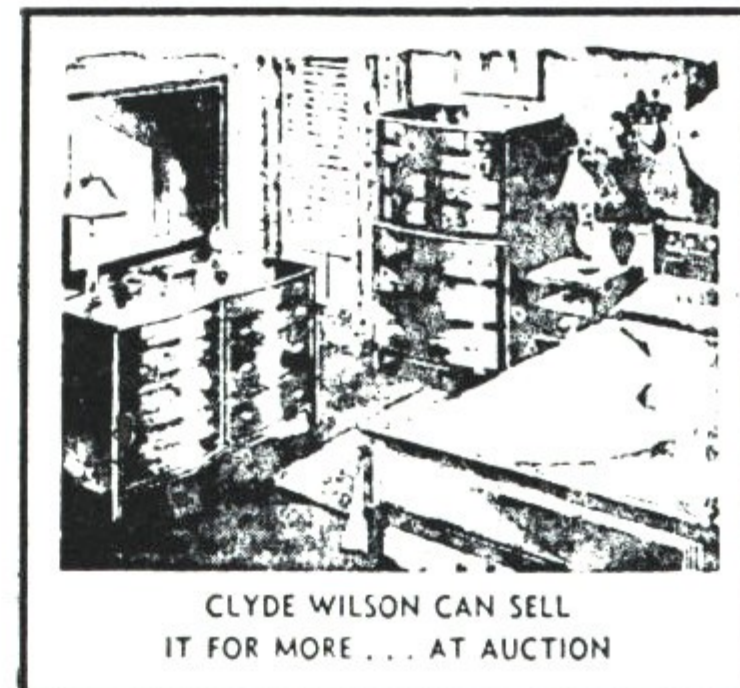
WHETHER IT'S A USED RANGE . . . A HOUSE FULL OF FURNITURE OR A QUARTER MILLION DOLLAR PROPERTY IF CLYDE WILSON SELLS IT FOR YOU



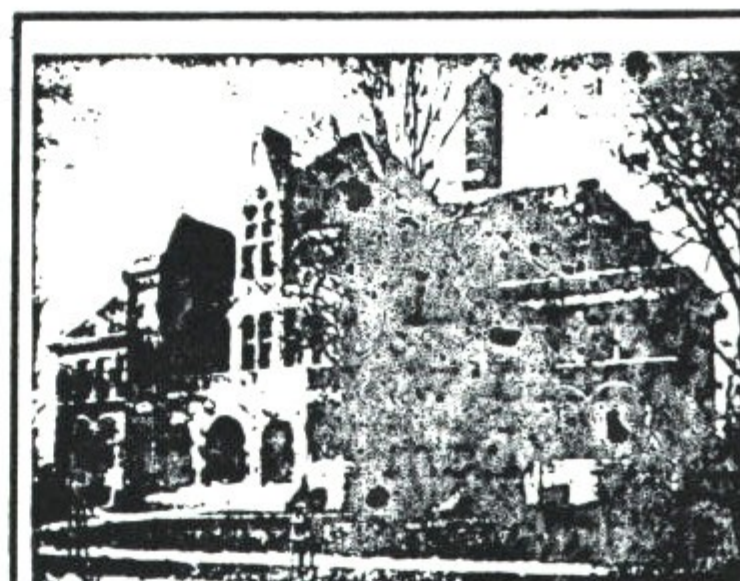
Yes, it's a proven fact that I can get more money for your merchandise, whether it be a used range, a house full of furniture, an old barn, a farm or a large building like the Central Junior High School Building I sold last week for \$261,000.00.



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Coats' Notes

STAY YOUNG IN YOUR PROFESSION

A comment by a 75 year-old auctioneer of New York state, is worth noting. For over 65 years this auctioneer, who requested that his name be withheld, has been crying auction sales of all kinds, and when he was asked recently why he didn't retire he answered that if he did he would probably die in six months.

When asked why his sons and grandsons had not followed in his footsteps as an auctioneer, the old colonel replied that auctioneering doesn't pay too well and "one has to love the work to make a success of it".

There is much wisdom in the old colonel's statements. He realizes the importance of spending one's life in an occupation he loves. He also knows that success is not measured by income. The auctioneer who continues practicing auctioneering which he likes, and who is aware that true success means doing that work well, has found a secret that can keep him from growing old.

After hearing the old colonel's comments there came to my mind several auctioneers of my acquaintance who have passed three score and ten and still going strong, all excellent auctioneers. Reflecting further upon each one, some of whom never miss a national convention, one could not help but realize the love they have for their work and their profession and their burning desire to make the path a little more easy and more profitable for the young men starting out today as auctioneers.

The wise counsel and wisdom of the auctioneers, those who have prepared the way for us, to them we all owe a great debt of gratitude for by their knowledge and judgment we too can stay young in our profession.

Let's all stay young together, go forward together, promote better understanding between us, better relationship between auctioneer and the public, instill an appreciation of high ideals, fostering at all times a "Code of Ethics" that protects the public against unscrupulous practices and together constantly strive to do just a little more than is expected of us in building the National Auctioneers Association into a membership that will encompass the auctioneers of America and that

you will personally benefit thereby. If each of us will "GET TWO IN '52" it will be a great step in going forward together and a far greater step in staying young together. — B. G. Coats.

ALWAYS LOOKING AHEAD

That is not only a good policy but a positive necessity. From the past we have learned wisdom for the moment - - - and for the future. We have had many splendid conventions. We have had inspiring and constructive material presented to us by the unselfishness of the one who has the interest of the National Auctioneers Association and the Auctioneering Profession at heart endeavoring at all times to pass on to others that which will benefit them as Auctioneers, I refer of course to Col. John W. Rhodes, Editor of "The Auctioneer". By experience we have learned, among other things that what we have profited by our membership in the National Auctioneers Association and our presence at national conventions, that they just didn't happen. They come by the "everlastin teamwork of every bloomin soul". The more souls in on the team work, the better the results. Now we look to the 1952 convention. The schedule calls for "GET TWO IN '52".

What we are hoping is that you will be one of the bloomin souls in on the teamwork. It hasn't been too well distributed, you know, but confined largely to the same comparative few each time. All honor to them - - - and just a wee touch of shame on the rest. This year it is going to be different. The boys from Minnesota are going to see to it that you have a part in the 1952 convention. The biggest part any of us can play is to get new members. How many new members can our present membership produce? If every member will "Get Two In '52" we can go to the convention in Minneapolis with 1,000 registrations. Let's give the boys from Minnesota our answer in deeds. It is a positive necessity to ALWAYS LOOK AHEAD.

— B. G. Coats

ALL RECORDS BROKEN IN 1951

Do you know that approximately 40,000 purebred Herefords were sold at public auction for an average price of \$856.00, the greatest ever recorded, exceeding the 1950 average price by \$252.00. Do you know that more automobiles, tobacco, eggs, antiques, furs, all kinds of livestock and

(Continued on next page)

COATS' NOTES —

(Continued from previous page)

real estate was sold at public auction in 1951 than ever before recorded for any year. Do you know that there was more public auction sales held in 1951 than any year in the history of our country. Do you know that members of the National Auctioneers Association played a most important part in establishing this all-time record. Do you know that in 1952 the Auctioneers are off to an early start to establish still far greater records. Do you know that more people attended auction sales in 1951 than any previous year. Do you know that more people purchased at auction sales than ever before for any year? Do you know that the magnitude of the advance of the auctioneering profession has been recognized more than at any time in the history of the profession and all of which has been reflected in articles published by the leading publications and newspapers of our country? Do you know that more people resorted to selling their chattels at public auction in 1951 than ever before? Do you know that more and more people every year are depending on the professional auctioneer for his expert advice, knowledge and service? Do you know that this record means indisputable "good business" in 1952? Do you know that all previous records will be knocked down in 1952.

Last and by no means least, do you know that by our continued efforts to recruit our ranks we can all establish records together that will reflect the greatest advance in the auctioneering profession? Do you know that if each of us do our part by getting "TWO IN '52" we too can break all previous records? If we can't break our own record, how may we continue to establish new records in all phases of the auction business. — B. G Coats

There is no doubt in the minds of any of our members who are working on the convention details that the national convention in Minneapolis this coming July will surpass all conventions that have been held by the National Auctioneers Association. Make your plans now to attend and allow nothing to interfere. You will bring happiness to others and joy to yourselves.

Get TWO in '52

CLIPPINGS . . .

by E. T. Nelson

They tell me that down in Arkansas this happened, to a book agent. He went to sell



E. T. Nelson

an encyclopedia, to some farm folks. When he found the husband and wife in the field plowing, the husband was hitched to the plow and the wife was guiding it.

While he was showing his books, a loose leaf flew under the feet of the husband, scared him and he ran off thru the field and tore the plow all to pieces.

Its the last step in the race that counts. One more bid may buy it!

The buyer sets the price, the seller merely consents to it.

Often a man pays a lawyer for advice, his wife could give him for nothing.

How many people have you ever convinced in an argument?

A man is known by the company he keeps, so your community is known by the detours it stands for.

The hardest job a kid faces in this world, is learning good manners without seeing any at home.

It is rarely worth what it costs to tell a man what we think of him.

And then there was the woman who owned a parrot that had a habit of swearing a lot. She covered his cage from Sunday morn till Sunday eve. One Monday morning she saw her minister coming toward her house, so she again placed the cover over the cage. As the Reverend was about to step into the parlor, the parrot remarked. "This has been a damned short week".

So with that I wish you Valentine Greetings on this shortest month of the year.

Good Selling to you, Colonels,

Col. E. T. Nelson

The President's Message

Fellow Auctioneers:

Again I come pleading and asking for advice, so that we can make progress and be recognized as **professional** as I believe all of us wish to be considered as such. We cannot achieve this goal unless we have good state associations, all affiliated with our big national association, **all pulling together**, similar to other professional organizations.



As I have heretofore advocated at various state and national conventions, a **universal auctioneering license law**, and I have requested suggestions along this line, from my fellow members, but surely have been disappointed on not hearing from but a few up to this date. However I have been informed that several of the state organizations are proposing bills to their respective legislators, which I am surely glad to hear. A copy of the New Jersey proposed law is herewith submitted by my good friend Mr. B. G. Coats, a past president of our national association, who is one of the best boosters that I know of, a man who has spent a lot of money and time to help get laws passed that **every auctioneer needs**.

Our Iowa State Auctioneers meeting will be held in Ames, Iowa on January 27 at which time we hope to draft a new license law which we will endeavor to enact as

soon as possible, a copy of which I will submit for other state organizations to hash over. I had a very nice telephone conversation tonite with Pop Hess of Ohio, and he too will cooperate in every way he can.

NOW WHAT WE NEED IS NEW MEMBERS TO OUR NATIONAL ASSOCIATION SO GET BUSY NOW, DON'T PASS THE BUCK.

Russell Davis, our secretary, and the Minnesota boys are surely working hard to make the 1952 convention a "stem wind-er", and are all looking forward to a **large attendance** at which time we can thresh out our various ideas and tell of the progress that has been made along the line of getting auction laws passed that will not handicap us **any longer**. As every auctioneer should know that here are factions and organizations and even our price administration are dictating, and there are others who do not want us to progress like **we should and will** if we will work together.

If there ever was a time in the history of the auctioneering profession where there is an absolute necessity for a strong organization, it is now with all these new rulings and restrictions going in effect and changes being made every day, therefore it behooves every auctioneer to get busy or these other factors will.

The Minn. boys and all of the national association officers will be disappointed if we do not get at least 1,000 new members by convention time. Again I urge you to suggest some kind of a new license law that you would like to see passed in your state and if there are any members who do not have state organizations formed in their states at this time, please let me know, and if I can help you in any way please feel free to call on me.

Our secretary informs me that there are quite a few members who have not paid their current dues, so **please pay up what is due** and "get two for '52".

Respectfully yours,

Paul F. Bockelman

P.S. — Ladies we need your help, please join the N.N.A. Auxiliary. Write Mrs. Wendell Ritchie, Secretary, Marathon, Iowa, for an application blank. Thank you.

Aux. President's Message

Wherever you are, if you are as cold as we are in Illinois, then maybe you can look back with me to years long gone past. To a time when we didn't have all the modern conveniences that are available today to most everyone. I have been thinking back to the days when I was a child, spending every school holiday I had with my Grandma Baker on the farm. Yes, even the winters were just wonderful at Grandma's.

In the mornings, I would be slightly disturbed by hearing her get out of our two big feather beds, one on top and one



Mrs. June Holford

under us, nice soft blankets, heavy wool comforts, a hole in the feather bed just the size of Grandma and me.

She would dress very quickly in a room that would nearly freeze the oil in our lamp, climb down the deep narrow stairs, tear the frozen wood apart, clank the lids on that monstrous black stove. Soon a roar-

ing up the flue, the sound of something breaking the ice in the water bucket. In the meantime, somewhere I'd go back to sleep only to be wakened by a call to breakfast. Then the wonderful smell of fresh pork, biscuits, wood smoke and Grandma's coffee.

Wonderful, wonderful days, but I didn't have to get up and make the fire, thaw the pump, milk the cow, feed the hogs and chickens, then get breakfast. I got to dress by a warm fire, eat, then run to play in the snow until I was wet and half frozen. Come in for Grandma to thaw me out so I could do the same thing after dinner.

Some of our modern conveniences were here before my Grandma passed away, but I do believe some of our latest things would scare her half to death. She didn't have a house kept at an even temperature by a small gadget, she couldn't turn a

button and cook our breakfast, she didn't have a faucet to get her water, no washer, and no electric lights.

Yes, those good old days were wonderful - - - for the kids. They are certainly fond memories but wouldn't be so wonderful if I had to change my times for hers. She was happy though and what is all else without happiness?

Best regards,

June N. Holford

Trouble Envisioned For License Plan

Jacksonville, Florida — Renewed controversy over a proposal to modify the ordinance under which license fees for auctioneers is fixed at \$2,000 was predicted today.

City councilmen received copies of a bill, which will be before committees meeting in council chamber January 21 at 3:30 p.m., which would exempt from the older ordinance specified auction sales.

Besides sales of livestock or farm produce or judicial sales, sales under executions, executors or administrators sales and sales to satisfy liens, exemption would apply to:

"Sales of second-hand furniture and household effects conducted at the premises where the owner of such furniture and effects has maintained his bona fide residence for at least six months immediately prior thereto and such furniture and effects have been contained in his said residence as his household furnishings throughout such period."

If the bill becomes law, sales so exempted could be held under a general license, obtainable for \$15.

Last year proposal to reduce the \$1,000 fee was withdrawn after business interests appeared against it.

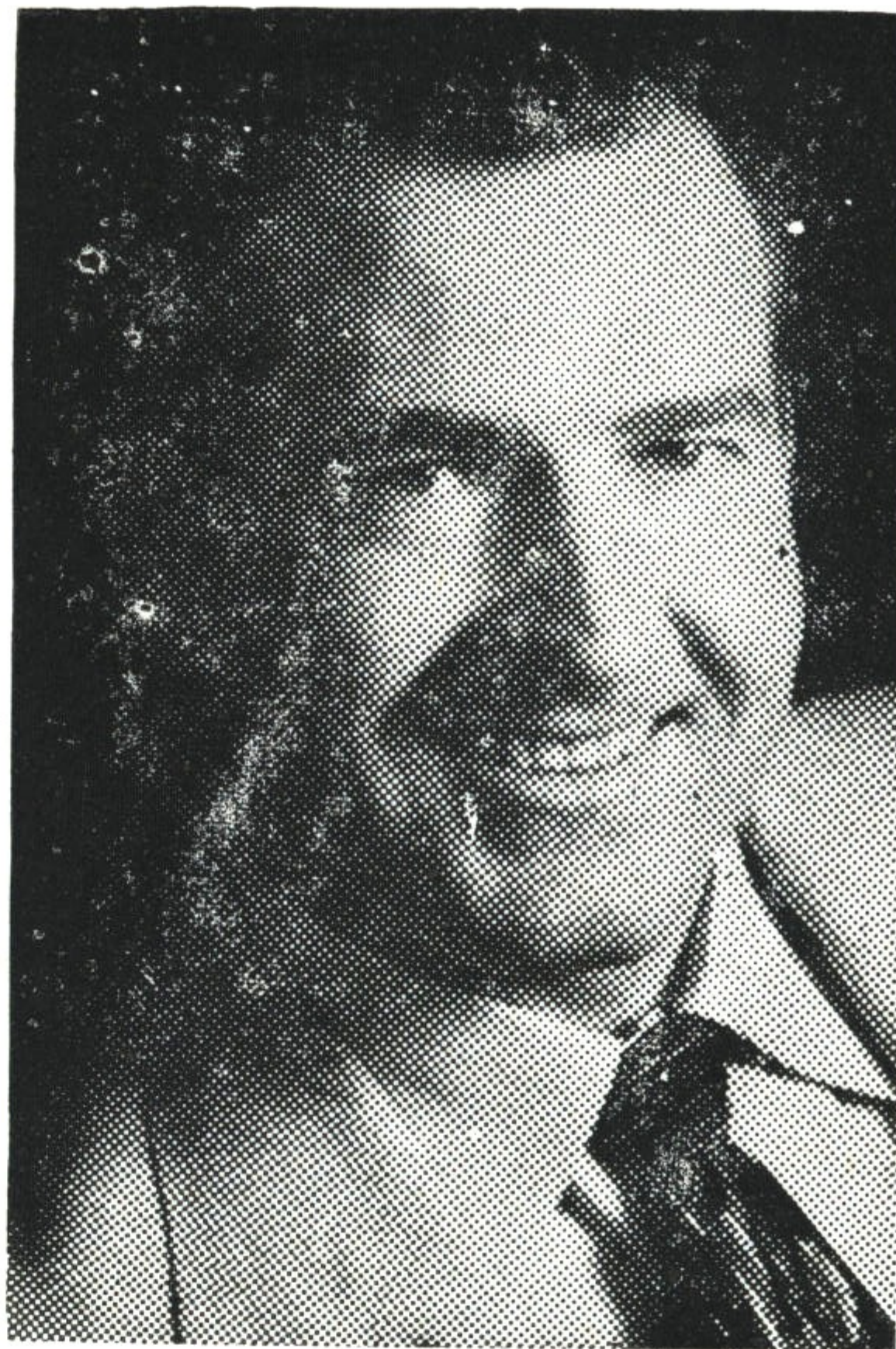
The new bill, introduced by Councilman Mills Smith, is before laws and rules and license and taxation committee.

Expert At Work . . .

It's always a pleasure to see an expert at work — one of the finest experts in his particular line of work is the auctioneer now conducting the sale for the Vandergriff Furniture Co. in Arlington. This may be readily understandable when you consider the fact that Mr. Lyle Sweet of Asheville, North Carolina is the fourth generation to follow this profession.

He is a graduate of the Reppert School of Auctioneering and the American Auction College. His training was further enhanced at the Goodman School of the Theatre, a branch of the Chicago Art Institute.

Although Mr. Sweet specializes in furniture he will readily sound off with the tobacco auctioneers' chant upon request. As he puts it — "The reason I can talk so fast is because my father is an auctioneer and my mother is a woman."



LYLE SWEET



FAMOUS AUCTIONEER — Lyle M. Sweet, well-known auctioneer, handling the huge auctioning of the stock of furniture and appliances of the Vandergriff Furniture Co.

The Coterie

What is a Coterie? Those who attend all the meetings and on whom we depend.

They are never absent unless they are sick.

They are the ones who are never behind in their dues.

Who come to the conventions and have their own views.

They'll serve on the committees and never say die.

The Coterie are the ones who always get by.

They never attempt any duties to shirk, These are the Coterie who do most of the work.

And we should all be proud of members like these,

You can call them the Coterie or whatever you please.

But there are always some who always interfere.

They like to put all the work on the Coterie.

When the Coterie is right no one remembers.

When the Coterie is wrong, no one forgets.

Every member is a part of this Coterie

And every new member you get will be near

To give of his efforts for a banner year.

"GET TWO IN '52".

The Last Issue

If your membership in the National Auctioneer Association has expired.

or

If your subscription to The Auctioneer has expired.

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Get Rid of Receivership and Bankruptcy Evils

By Col. W. E. Fairbanks, member of New Jersey State Society of Auctioneers

It is most unfortunate that the American public has allowed unfair conditions to exist to the point where they have become deeply rooted "rackets". The theory of it all seems to be that the average auctioneer cares little for such a condition, but it would be well for the auctioneers of America to take heed of the conditions existing in our present receivership and bankruptcy "rackets" before the evils now existing become so entrenched that fortunes instead of thousands will have to be spent in removing them. Why the great body of auctioneers have been so quiet so long is indeed a mystery. Apparently few auctioneers realize the necessity of changes in our laws that would cleanse our cities, states and country of the vulture-like grafting that takes place in most bankruptcy and receivership cases today.

When it would be to the best interest of auctioneers, creditor and debtor alike to have friendly receivers appointed, men who are not acquainted with either the business or the property involved, and who may be unfriendly to all parties, are being appointed by the courts today. Why, for example, should reputable auctioneers who seek to serve for the benefit of the parties involved as well as the community at large be rejected even when they offer their services? Why appoint men who have had no experience?

We sometimes hesitate to talk or write on matters with which we ourselves may come in contact. Yet most auctioneers today know very well the usual practices in distress sales. Such sales have long been the prey of racketeers. Visit any bankruptcy court on sales day and witness the cliques working, or visit the majority of receivership sales and watch the "pools" operate.

Most auctioneers are aware of the fact that there are entirely too many laws, ordinances, rules and regulations in every community and state today, yet we the auctioneers sit idly by doing absolutely nothing to improve conditions which are rapidly becoming a menace to our entire auction business structure.

Every sheriff foreclosure sale, every receivership and bankruptcy sale should be placed in the hands of an independent qualified auctioneer. No one man or group of men should be allowed to sell any commodity whether it be real estate or merchandise unless his integrity has been established. Sheriffs should, as in New York state, be compelled to employ local auctioneers and not attempt to sell properties themselves. Only auctioneers who are national or state members of auctioneers organization. The New Jersey State Society of Auctioneers, have been actively seeking to curtail the bad practices now existing.

Let us all determine to wipe out these cancers in our business once and for all. It will be another step forward in the auctioneering profession and far greater recognition for all the states having auctioneer organizations.

"WHY NOT RECOMMEND A FRIEND TO ATTEND?"

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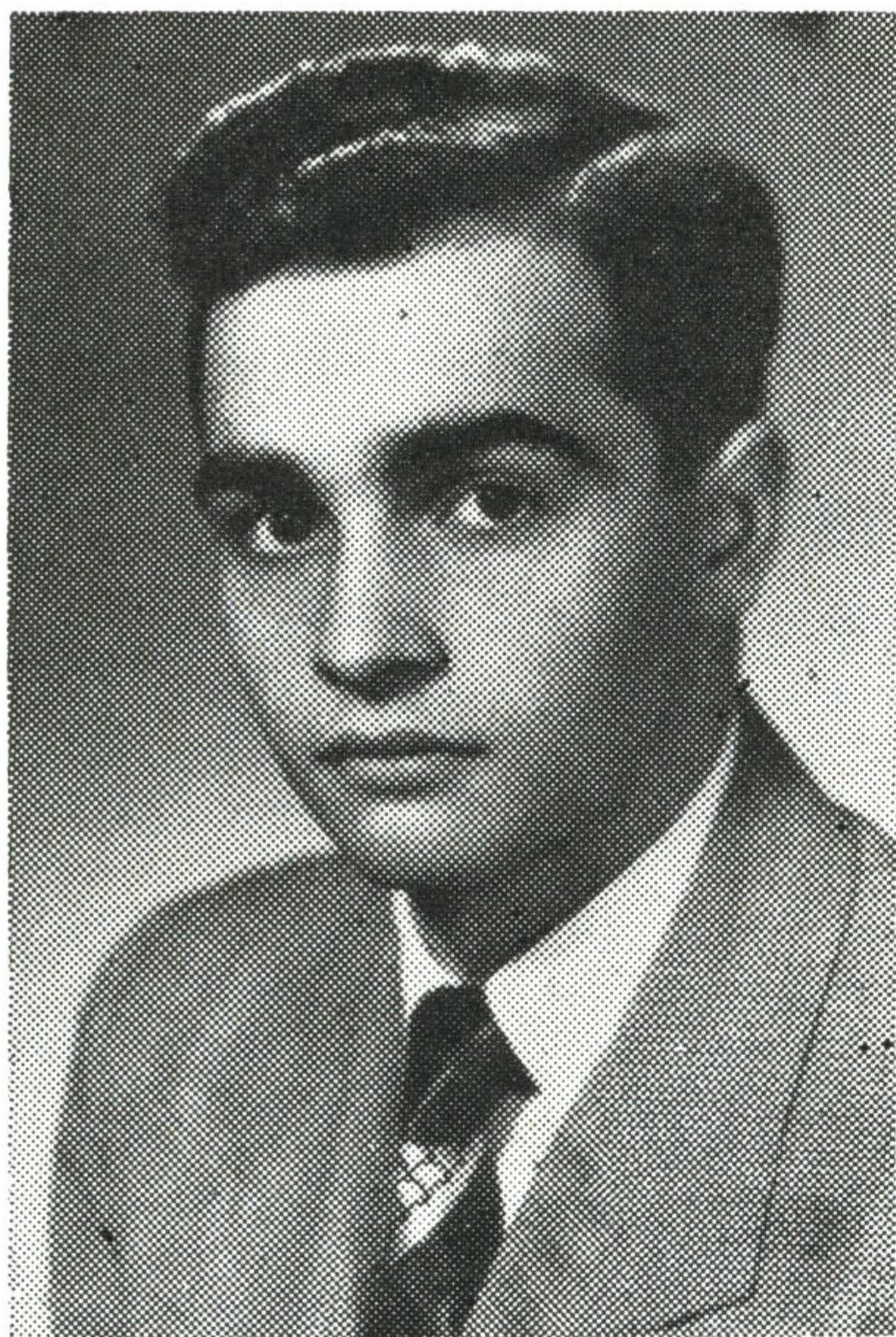
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FREE CATALOGUE

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Colonel Guzzi Called Into Service

Long Branch, N. J. — Col. Joseph A. Guzzi, who has been associated with Col. B. G. Coats, for the past two years will leave on February 15, having been called for service in the armed forces. Col. Guzzi, having reached his nineteenth birthday will leave a gap in the organization of B. G. Coats, that will indeed be difficult to fill. A promising young Auctioneer with a brilliant future in the auction business whose plans will be interrupted for approximately two years, will anxiously await the time of returning and again associating himself with Col. Coats' organization.



The many members that attended last year's convention in Decatur, Illinois, will recall that Col. Guzzi, for the first time in the history of the Association, was presented with two silver cups, one for being the youngest auctioneer present and one for having traveled the greatest distance to the convention.

The officers and members of the National Auctioneers Association extend to Col. Guzzi, the very best wishes possible during his absence and regret the loss of such an active and valued member. However, while being unable to take an active part in the association, Col. Guzzi, writes that he will continue his membership in both his state and national associations and will

look forward every month, no matter in what part of this old world I may be, for "The Auctioneer", as it is the most interesting publication and I feel very much indebted to all those who have and are contributing such inspiring and constructive articles that have been most beneficial to me.

"The Auctioneer" as well as the officers and members of the association wishes you "God Speed", Col. Guzzi, and a speedy return to the profession which is so close to you and that in the near future we may all have the pleasure of your pleasant personality at our national convention.

Col. Wilson who practices painting on the side, met a lady the other day in Cleveland who saluted him with; "Ah, Col. Wilson, I have just seen your miniature and kissed it because it was so much like you". "And did it kiss you in return?" "Why no", "Then", said Col. Wilson, "it was not like me".

Auctioneers judge others by their actions, themselves by their ideals.

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**RUSSELL M. DAVIS
ST. PETER, MINN.**

The BOOK OF TIME of the National Auctioneers Association for the year 1951 is recorded. We turn a new leaf and behold 1952. The pages for this year will be filled with the greatest progress in the history of the association. When the last page for the year 1952 is written it will record the efforts and results of its' members, and when that page is reviewed wouldn't you like to feel as though you played your part. You can by starting now to give just a few minutes of your time by inviting auctioneers to become members of your association. "GET TWO IN '52" and be recorded in that BOOK OF TIME.



Get TWO in '52



The Final Bid



There are seven ways for an auctioneer to be happy. Stay out of debt and you won't need the other six.

A southern auctioneer and a breeder of horses explained at some length to an attractive northern visitor the intricacies of horse naming - one foal for instance, was named Carrot because it was by Caron out of Ottilia. That evening, however, under a romantic full moon, the Colonel forgot his horses and concentrated on the girl to such an extent that she promptly left for home. Arriving in New York, she wired the Colonel, "Home, by jove, out of Danger".

There was a young man named Rhodes.
Who loved a young lady hordes.
So hard did he press her
To make her say, "Yes, Sir",
He broke three ribs in her chest.

"Cleo, do you allow just any man to kiss you??" a woman asked her fickle young maid.

"No, ma'am. Just dem what ah knows and dem what ah loves".

"That seems to cover a lot of territory," said her employer. "What's the difference"?

Cleo sighed. "Dem what ah knows, ah lets. Dem what ah loves, ah helps".

An auctioneer received a telephone call from a colleague who invited him to make a fifth at poker. "Do you have to go out, dear?" his wife asked suspiciously.

"I'm afraid so", was the brave reply. "Its a very important sale. There are four auctioneers there already".

If an auctioneer emptied his purse into his head, no one can take it away from him. An investment in knowledge is always an asset. Are your dues paid up? Have you invited an auctioneer acquaintance to join the National Auctioneers Association? The more members we have the more knowledge we have. "GET TWO IN '52".

Some auctioneers have difficulty getting into high gear because they are shiftless.

Auctioneer — "I'm glad, dear, that you're impressed by all the explanations I have been giving about banking and currency.

Wife — "Yes, darling, it seemed wonderful that anyone could know as much as you do about money without having any".

Diner — "Bring me a plate of hash".

Waitress (walking over to speaker tube) — "Gent wants to take a chance".

Second Diner — "I'll have some hash, too".

Waitress (picking up tube again) — "Another sport".

"Have you appeared as a witness in a suit before"?

"Yes, sir".

"What suit was it"?

"My old blue serge".

"Have you seen Faith's new evening gown"?

"No, what does it look like"?

"Well, in most places it looks quite a bit like Faith".

THERE IS JOY IN GIVING

Selfishness is the cause of much of the unhappiness in the world today. Many of us fail to catch the gems of wisdom from the pioneers in the auctioneering profession.

Observe, if you will, a happy auctioneer. You will find they are successful and admired. Also, they have learned to give, and in return they have received the happiness we all want. Yes, we must realize that in order to receive, we must give, then there would be more happy auctioneers. Let us remember that a happy auctioneer gets the greatest joy out of life and out of his profession.

Auctioneers, whether poor or wealthy (my acquaintance of the latter is limited) can always afford to give to our fellow auctioneers. Financial assistance will not bring any more happiness to the giver than he who gives understanding, comfort, advice and benefit of experience to those less fortunate. Yes, the giver will always be a happier auctioneer for having done so.

Let us refuse to indulge in resentments, jealousies or envy. The auctioneer who has a sincere desire to help a fellow auctioneer with his problems by just the benefit of his experience will find much happiness. Regardless of what you give, give from the heart from which there's always great personal happiness.

You will find much happiness and pleasure in giving just a few minutes of your time, and the recipients of your time will be just as happy, by inviting other auctioneers to associate themselves with an organization composed of members that are laboring for the advancement of the auctioneer and greater recognition of the auctioneering profession. Yes, give just a few minutes of your time now and then as you travel on life's way. "GET TWO IN '52".

Graduate of auction school — "Col., now that I'm successful in the auction business and have made considerable money, I want to do something for the school. Tell me what I excelled in".

Col. Drake — "Frankly, in my class you slept most of the time".

Graduate — "Splendid, I'll build a dormitory".

REPORT DEATHS TO SECRETARY

It is the duty of each and every member to promptly notify the secretary, Col. Russell M. Davis, 502 North Minn. Ave., St. Peter, Minnesota, of deaths among the members. Notification should be by telephone or telegraph, followed by a postal card or letter giving correct date of death, name and address and the next nearest of blood relationship. It is better that your secretary receive a hundred notices than for him to continue sending mail to the deceased whose family does not understand or appreciate such negligence on the part of the National Auctioneers Association.

Mrs. Davis, wife of our hard-working secretary, was having her second cup of coffee in the breakfast nook. She heard the back door open and thinking it was Col. Davis, called out, "Here I am, darling". After a moment, a rather embarrassed voice replied, "This is not the regular ice man, Ma'am".

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Pennsylvania and New Jersey Are For Reciprocal License

Two active and progressive state auctioneer organizations are forging to the front, if not already there, in the licensing of auctioneers.

The Pennsylvania State Society of Auctioneers, under the leadership of its President, Colonel Lee Pillsbury, drafted an Auctioneers Licensing Act, which they have ready for passage in the Pennsylvania legislature.

Cooperating with the New Jersey State Society of Auctioneers on a reciprocal law, New Jersey revised the Pennsylvania draft to meet the requirements of its state and now have the bill ready for introduction in the New Jersey state legislature in February.

Much time, thought and money by the boys from Pennsylvania was given in the drafting this act, having engaged the best legal talent and the suggestions of its entire membership. After minor revisions to meet the requirements of New Jersey, the New Jersey State Society of Auctioneers unanimously adopted and recommended for passage the draft, and believe it to be a model for all states.

Our hats are off to the boys from Pennsylvania and New Jersey for their wonderful cooperation, their initiative and interest in improvement in the auctioneering profession, and the protection of the auctioneers as their bill will undoubtedly be of immeasurable help to themselves and future auctioneers of their respective states.

For the information of all state organizations and states in the process of being organized and those that have not as yet realized the importance of organization, a full text of the bill is herewith reprinted for the information of all.

AUCTIONEERS LICENSING ACT OF 1952

Drafted by New Jersey State Society of Auctioneers

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 Legislature of the State of New Jersey hereby enacts as follows:

Section 1. Short Title — This act shall be known and may be cited as "The Auctioneers' License Act of 1952".

Section 2. 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, words, 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 enterprises 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 State of New Jersey, 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 State of New Jersey 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 (2) years' 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 independent administrative commission created in the Department of Banking and Insurance to administer the provisions of this act.

Section 3. Issuance of licenses; Supervision and Control — (a) The Department of Banking and Insurance shall issue auctioneer's and apprentice auctioneer's licenses under the provisions of this act. The Commission shall supervise and control all such licenses as hereinafter specifically provided.

Section 4. 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 Banking and Insurance, 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 Banking and Insurance, shall be admitted to be read in evidence in all courts in this State 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 Banking and Insurance in any proceedings before the Commission, the Department of Banking and Insurance may charge such fees as it may by general rule or regulation prescribe, not exceeding twenty-five cents (25c) per folio.

Section 5. Information Not to be Divulged; Penalties; Exceptions; Rulings to be Public Records — (a) Neither the Commissioner of Banking and Insurance, any member of the Commission, nor any deputy, secretary, representative, clerk, or other employee of the Department of Banking and Insurance 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 provisions 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 (\$1,000) 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 Banking and Insurance subject to inspection by any person interested.

Section 6. License Required; Restrictions as to Citizenship, Age and Apprenticeship — (a) From and after June 1, 1952, 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 the State of New Jersey without first obtaining

a license as an auctioneer, or as an apprentice auctioneer from the Department of Banking and Insurance.

(b) No person, copartnership, association or corporation may be licensed by the Department of Banking and Insurance 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 upwards, are citizens of the United States and of the State of New Jersey with exceptions hereinafter stated in sections 9 and 10 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 two (2) years in the employ of a duly licensed auctioneer, or 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.

(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 7. Licenses: Department to Issue — (a) It shall be the duty of the Department of Banking and Insurance 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 8. 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 Banking and Insurance, 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 Banking and Insurance 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 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, 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 Banking and Insurance signed by the applicant, setting forth 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 employing 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 Banking and Insurance 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 June 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, co-partnership, association, or corporation may hereafter be licensed as an auctioneer by the Department of Banking and Insurance 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. The Commission shall hold examinations on the second Saturdays in January, July, and October in the cities of Newark, Trenton, Atlantic City, and Asbury Park, 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 mathematics 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 non-resident 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 9. Temporary Permits for Apprentice Auctioneers — (a) An individual who fails to pass the examination may apply and receive from the Department of Banking and Insurance 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 10. 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 Banking and Insurance 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 11. 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 Banking and Insurance, 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 licensee is a co-partnership, 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 auctioneers 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 12. Non-Resident Licenses — (a) A non-resident 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 13. Reciprocity With Other States — (a) In connection with the application of a non-resident 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 Banking and Insurance 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 non-resident 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 resolution 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 Banking and Insurance, and the other immediately forwarded by registered mail to the applicant against which said process or pleadings are directed.

Section 14. Fees for License and Renewals — (a) The fees to be charged by and paid to the Department of Banking and Insurance 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 Banking and Insurance 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 Banking and Insurance annually on or before June first, of the next succeeding year.

Section 15. 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 16. Licensees 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 State of New Jersey, in the amount of two thousand (\$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 State of New Jersey relating to sales at auction, and all the laws, rules and regulations promulgated by, or appertaining to any Department, Board or Commission of the State of New Jersey. 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 17. 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 Banking and Insurance 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 18. Permit Fee in Lieu of Licensing Fee in Other Political Subdivisions — (a) No political subdivision of the State of New Jersey 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 subdivision, every licensee licensed hereunder shall, for each sale conducted for any one owner or person, pay a permit fee of one (\$1.00) 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 all 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 19. 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 17 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 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 Banking and Insurance to aid in the payment of the costs incurred in the administration of this act.

Section 20. 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 action in writing within ten (10) days, shall be given to the Department of Banking and Insurance 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 Banking and Insurance 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 Banking and Insurance 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 Banking and Insurance 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 21. 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 Banking and Insurance 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 of 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 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 demonstrates 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 Banking and Insurance 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 testimony 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 Banking and Insurance of such fee as it shall, by general rule or regulation, prescribe therefor, not exceeding however twenty-five cents (25c) per folio.

Section 22. Review by Court on Suspension or Revocation of Licenses; Right to Appeal — (a) The refusal of the Commission to authorize the Department of Banking and Insurance 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 Mercer 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 Mercer 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 Mercer County, by filing written notice of such appeal, together with reasons for such appeal in the office of the County Clerk, 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 23. 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 County Clerk 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 Banking and Insurance 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 (\$1.00) 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 State of New Jersey.

(b) The appeal shall thereupon be heard, in due course, by the judge or judges of the said court of common pleas with or without a jury.

(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 Mercer 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 24. Records of Courts to be Evidence; Revocation and Suspension of Licenses; New Licenses Pending Investigation or After Revocation — (a) In all proceedings before

the Commission, 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 Banking and Insurance 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 theretofore 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 severed 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.

(c) 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 employee, or to an association or corporation of which he shall be an officer or employee, except for the period of such investigation or proceeding, and subject to the action of the Commission thereon or therein.

Section 25. 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 Banking and Insurance 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 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 employee, or in which as a stockholder such person has or exercises a controlling interest, either directly or indirectly.

Section 26. Penalties in Certain Cases — (a) Any person, copartnership, association, or corporation, who shall, after the first day of January, nineteen hundred and fifty-two (1952), 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 dollars (\$50) nor more than one hundred (\$100), and for a second and any subsequent offense shall be sentenced to pay a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or under-

go 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 dollars (\$10), 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 27. 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 State of New Jersey, the process issued by the Commission shall extend to all parts of the State of New Jersey 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 Banking and Insurance 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 and 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 the State of New Jersey, 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 the State of New Jersey.

(c) The court of common pleas of any county shall, upon the application of the Commission, issue commissions or letters 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 subpoena from the Commission, directed to such witnesses, and for the production of such books and papers as the party may desire.

Section 28. Grounds for Revocation of Auctioneers' Licenses — (a) No violation of any of the provisions of this act on the part of any apprentice auctioneer, or other employee of any licensed auctioneer, shall be ground for the revocation of the license of the employer of such apprentice auctioneer or employee, 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 employee shall constitute prima facie evidence of such knowledge upon the part of his employer.

Section 29. Unlawful Acts — (a) It shall be unlawful for any licensed auctioneer or apprentice auctioneer to pay any compensation, is 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 licensee shall be sufficient cause for the suspension or revocation of his license, in the discretion of the Commission.

Section 30. Actions by Unlicensed Persons Prohibited — (a) No action or suit shall be instituted, nor recovery therein be had, in any court of the State of New Jersey 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 31. 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 holdings of hearings before it and its representatives, and otherwise generally for the carrying out of the provisions of this act.

Section 32. 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 33. General Repeal — All acts and parts of acts, general, special or local, and their amendments and supplements are hereby repealed in so far as they are inconsistent with the provisions of this act.

Section 34. Specific Repeals — (a) The following acts and parts of acts with their amendments and supplements are hereby repealed.



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ville, Minnesota.

Your price is our price today, what will
you give?

If your conscience is your guide, you sure-
ly will come again.

Are you going to let me sell this herd sire
for \$100.

You can milk that cow with a clear con-
science for the calf cannot take all the
milk.

Take long steps and save your shoes.

Calf or two sold and she will be paid for.

Will do as much work as any other of its
size.

Yes, you sometimes get wind where you
pay for wisdom.

We are not here to appraise the property,
but to sell it.

This animal has more good points than I
have troubles.

I would rather own that mare than to be
mayor of this city.

Don't they go when they get started?

They surely take short steps where you
are from.

I am sorry that you did not make a bid to
honor your home town.

Is it half worn out? That is the way you
are bidding on it.

Go to the butcher shop they will tell you
what steak is worth.

Now is the time to make your mark in
life. If you don't like it you can rub it
out.

Next year will be a very poor year to get
something for nothing.

Too cheap considering the price of beef
steak or pork chops.

Envy provides the mud that failure throws
at success.

One of the greatest habits to acquire is
that of being happy.

No man can add to his stature by standing
on other people's feet.

All things may come to those who wait but
they are likely to be shop worn.

Bid a ba knock 'em down, what do you say,
look out in the bank she goes.

What, you don't need them? Well, what
about the money they will make you?

Not just another, but a different, funda-
mentally different.

Come on I will sell you a bargain while
the others are not paying attention.

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