

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1843.

AUGUSTA:

WM. R. SMITH & Co., PRINTERS TO THE STATE.



1843.

TWENTY-THIRD LEGISLATURE.

No. 20.]

[SENATE.]

A N A C T

IN RELATION TO

HAWKERS AND PEDLERS.

[Wm. R. SMITH & Co.....Printers to the State.]

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FORTY-THREE.

AN ACT relating to Hawkers and Pedlers.

*Be it enacted by the Senate and House of Representa-
2 tives in Legislature assembled*—as follows :

3 SECTION 1. Every hawker, pedler, or petty chap-
4 man or other person, going from town to town or
5 from place to place on foot, or with a horse, carriage
6 or otherwise carrying to sell, or exposing to sale, any
7 indigo, tin ware, books, medicine, nostrums, essences
8 or any other goods or merchandize, shall forfeit a
9 sum, not exceeding fifty dollars, nor less than twenty
10 dollars, to be recovered by complaint or indictment,
11 and all the articles and merchandize aforesaid, one
12 half to the use of the town where the offence is com-
13 mitted, and the other half to the prosecutor.

SEC. 2. Any justice of the peace, on complaint
2 made to him, may cause the arrest of the party ac-
3 cused, and the seizure of such goods, and detain the
4 same until trial; and in case of conviction of the
5 offender, the same shall be decreed forfeited to the
6 use aforesaid.

SEC. 3. Nothing in the preceding sections shall
2 prevent any citizen of this State or of the United
3 States from vending any farming utensils, whips, fish,
4 fruits, provisions, garden seeds, wooden wares, or
5 any articles made principally of wood, or any articles,
6 the growth or manufacture of this State, tin ware
7 excepted.

SEC. 4. The county commissioners may license
2 any citizen of this State, or of the United States, in
3 their county, to sell or peddle tin ware for one year
4 from the time of application therefor, on payment of
5 the sum of five dollars into the treasury of said
6 county, for the use of the State, and on his produc-
7 ing a certificate from the selectmen of the town
8 where he resides, that he is of good moral character ;
9 and the person so licensed, may personally vend any
10 such tin ware.

SEC. 5. Every person, so licensed, shall have his
2 name printed in large letters, at least one inch wide,
3 and also the words, *licensed by C. C.*, and the name
4 of the *county*, where the license was granted, in some
5 conspicuous place on every carriage, employed by
6 him for conveyance of such wares ; and he shall also
7 exhibit the certificate of his license, when required
8 by any justice of the peace, sheriff or his deputy, se-
9 lectman or constable, within the limits of their respec-
10 tive jurisdictions ; and if he shall fail in any of the
11 foregoing particulars, he shall forfeit twenty five dol-
12 lars to any person who shall sue for the same, and

13 the horse, vehicle, and goods of the person so offend-
14 ing shall be liable to respond to the penalty aforesaid,
15 and the person so suing shall have a lien thereon for
16 the space of ten days after final judgment.

SEC. 6. An act to amend the seventy fifth chapter
2 of the revised statutes, relating to hawkers and ped-
3 lers, approved March 18, 1842, and all other acts and
4 parts of acts inconsistent with the provisions of this
5 act, are hereby repealed.

AMENDMENT PROPOSED BY MR. BRIDGHAM.

A.

Strike out all after the enacting clause and insert the following :

SECTION 1. Every person who shall hereafter travel
2 from town to town or place to place in this State, for
3 the purpose of vending any goods or merchandize,
4 shall first obtain a license therefor, from the board of
5 county commissioners of some one of the counties in
6 this State, and pay therefor a certain sum, for the
7 use of the State, to wit: Every person who shall
8 travel on foot as aforesaid, for the purpose aforesaid,
9 shall pay the sum of one hundred dollars. Every
10 person who shall travel with any carriage, drawn by
11 one animal, for the purpose aforesaid, shall pay the
12 sum of fifteen dollars, and if drawn by two horses, ten
13 dollars. Any person who shall transport or convey
14 any goods or merchandize by water in any boat or
15 other water craft, for the purpose of vending the
16 same as aforesaid, shall first obtain a license therefor
17 as above required, and shall pay the sum of seven
18 dollars for the use of the county as aforesaid. And
19 all licenses granted as aforesaid, shall expire in one
20 year from the time of granting the same.

SEC. 2. Any person who shall transgress any of the

2 provisions or requirements of the foregoing section,
3 shall forfeit and pay a sum not exceeding treble the
4 amount required to be paid for such license as he is
5 bound to obtain by the provisions of said preceding
6 section, and all fines and forfeitures for the transgres-
7 sion of any of the foregoing provisions or require-
8 ments shall be recovered in an action of debt before
9 a justice of the peace in any county where the of-
10 fence may be committed, by any person who may
11 prosecute for the same, for the use of the county
12 where such offence shall be committed.

SEC. 3. Any person who shall travel as aforesaid,
2 for the purposes aforesaid, shall exhibit his license at
3 any and all times, when required to do so by any jus-
4 tice of the peace, or any constable of any city, town
5 or plantation—and a refusal to exhibit such license
6 when required as aforesaid, shall be deemed as evi-
7 dence of not having such license, and if prosecuted
8 after such refusal to show his license, the production
9 of his license at the time of trial, shall not avail him
10 in the defence of such prosecution, and the person so
11 refusing shall be dealt with as is provided in the sec-
12 ond section of this act. *Provided however,* that the
13 provisions or prohibitions of this act shall not apply
14 to any articles or goods manufactured in this State.

SEC. 4. The carriages, goods, wares and merchan-
2 dize of any such person as is described in the first
3 section, who refuses to exhibit his license as provided
4 in this act, may be seized by warrant from any justice

5 of the peace, and detained while such justice shall
6 decide whether such person is liable to any fine, im-
7 posed by this act, and until such fine, if any, shall be
8 paid.

SEC. 5. Every person who shall apply to the county
2 commissioners for the purpose of obtaining a license
3 as aforesaid, shall present to said commissioners a
4 certificate of his moral character, signed by the se-
5 lectmen of the town where he has his residence (and
6 his residence must be in this State), which shall be
7 attached to the license granted.

SEC. 6. All acts and parts of acts inconsistent with
2 the provisions of this act, are hereby repealed.

STATE OF MAINE.

IN SENATE, February 2, 1843.

ORDERED, That 300 copies of the foregoing Bill, and proposed amendment, be printed for the use of the Legislature.

Attest :

JERE HASKELL, *Secretary.*