

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1846.



AUGUSTA:

WM. T. JOHNSON, PRINTER TO THE STATE.

1847.

TWENTY-SIXTH LEGISLATURE.

No. 19.

HOUSE.

STATE OF MAINE.

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

AN ACT relating to hawkers and pedlers.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. Every hawker, pedler or petty chap-
2 man, or other person, not having been five years a
3 citizen of this State, who shall hereafter travel from
4 town to town or place to place, on foot or with a
5 horse, carriage, or otherwise, carrying to sell or ex-
6 posing to sale, any goods, wares or merchandise, shall
7 forfeit a sum not exceeding fifty dollars nor less than
8 twenty dollars, to be recovered by complaint or indict-
9 ment, and all articles and merchandise aforesaid, one
10 half to the town where the offence is committed, and
11 the other half to the prosecutor.

SEC. 2. Any justice, on complaint made to him,
2 may cause the arrest of the party accused, and the

3 seizure of such goods, and detain the same until trial ;
4 and in case of conviction of the offender, the same
5 shall be decreed forfeited to the uses aforesaid and
6 sold in the same manner as goods seized on execution
7 for debt.

SEC. 3. Any person who shall hereafter travel from
2 town to town, or place to place, in the State, for the
3 purpose of vending any goods, wares or merchandise,
4 shall first obtain a license therefor, from the county
5 commissioners of the county in which he resides, and
6 pay therefor, a certain sum for the use of the State,
7 to wit: every person who shall travel on foot for the
8 purpose aforesaid, shall pay the sum of ten dollars.
9 Every person who shall travel with any carriage drawn
10 by one animal, for the purpose aforesaid, shall pay the
11 sum of fifteen dollars ; and if drawn by two horses or
12 other animals, twenty dollars. Any person who shall
13 transport or convey any goods or merchandise by
14 water, in any boat or other water craft, for the pur-
15 pose of vending the same as aforesaid, shall first ob-
16 tain a license therefor, as above specified, and shall
17 pay the sum of ten dollars for the use of the State ;
18 and all licenses granted as aforesaid, shall expire in
19 one year from the time of granting the same. *Pro-*
20 *vided* that every person who shall travel as aforesaid,

21 for the purpose of vending any jewelry or playing
22 cards shall be subject to all the penalties and liabili-
23 ties provided in the first and second sections of this
24 act.

SEC. 4. No person shall receive license under the
2 provisions of this act, until he shall have proved to
3 the satisfaction of the county commissioners, that he
4 sustains a good moral character; that he has been
5 five years a citizen of this State, and that he has re-
6 sided in some city, town, or plantation in the county
7 where he shall apply for license as aforesaid, for the
8 term of one year next preceding the time of such
9 application.

SEC. 5. Any person who shall transgress any of the
2 provisions of the third section of this act, shall forfeit
3 and pay a sum not exceeding double the amount re-
4 quired to be paid for such license as he is bound to
5 obtain by the provisions of said preceding section;
6 and all fines and forfeitures for the transgression of
7 the foregoing provisions or requirements, shall be re-
8 covered in an action for debt, before a justice of the
9 peace, in any county where the offense may be com-
10 mitted, by any person who may prosecute for the
11 same, for the use of the county where such offense
12 shall be committed.

SEC. 6. Any person who shall travel for the purposes aforesaid, shall exhibit his license at any and all times, when required to do so by any justice of the peace, or any constable of any city, town or plantation, and a refusal to exhibit such license when required as aforesaid, shall be deemed as evidence of not having such license ; and if prosecuted after such refusal to show his license, the production of his license at the time of trial shall not avail him in the defense of such prosecution, and the person so refusing, shall be dealt with as is provided in the fifth section of this act.

SEC. 7. The carriages, goods, wares and merchandise of any such person as is described in the third section of this act, who refuses to exhibit his license as provided in this act, may be seized by warrant from any justice of the peace, and detained until such justice shall decide whether such person is liable to any fine imposed by this act, and until such fine, if any, shall be paid.

SEC. 8. Every person who shall apply to the county commissioners for the purpose of obtaining a license as aforesaid, shall present to said commissioners a certificate of his good moral character, signed by the selectmen of the town where he has his residence, as

6 aforesaid, which shall be attached to the license
7 granted.

SEC. 9. Nothing in this act shall be construed to
2 prevent any citizen of this State from selling any fish,
3 fruit or provisions or from vending any farming uten-
4 sils or other articles manufactured in this State—
5 playing cards and jewelry excepted.

SEC. 10. The act entitled an act relating to hawk-
2 ers and pedlars, approved March twenty-third, in the
3 year of our Lord one thousand eight hundred and
4 forty-three—and all other acts and parts of acts, in-
5 consistent with the provisions of this act, are hereby
6 repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, July 1, 1846.

Ordered, That 350 copies of the foregoing bill, reported by Mr. Gould of Wilton, from the Joint Select Committee, to which was referred sundry petitions praying for the suppression of hawking and peddling, be printed for the use of the Legislature.

SAMUEL BELCHER, *Clerk.*