

MAINE STATE LEGISLATURE

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DOCUMENTS

PUBLISHED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1866.



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1866.

FORTY-FIFTH LEGISLATURE.

HOUSE.

No. 69.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-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. No person except as hereinafter provided, 2 shall travel from town to town or place to place in 3 any town in this state, on foot, or by any kind of land 4 or water conveyance whatsoever, carrying for sale any 5 goods, wares or merchandise, under a penalty of not 6 less than fifty nor more than two hundred dollars, and 7 the forfeiture of all property thus unlawfully carried.

SECT. 2. The county commissioners may licence for 2 the purposes aforesaid, any inhabitant of their county, 3 who proves to their satisfaction that he sustains a good 4 moral character, has been five years a citizen of the

5 United States, and the year next preceding a resident
6 of this state ; and such licenses shall expire in one
7 year from their date, and shall not be transferable ;
8 and the person receiving such licence, shall pay there-
9 for to the county in which it is granted, if he is to
10 travel on foot, or in any boat or water craft, ten dol-
11 lars ; if with a carriage drawn by one animal, fifteen
12 dollars ; and if drawn by two animals, twenty dollars ;
13 and he shall present to the county commissioners with
14 his application, a certificate of good moral character
15 from the municipal authorities of the town where he
16 resides, which shall be attached to his license.

SECT. 3. No person licensed as aforesaid shall sell,
2 carry or offer for sale, any jewelry, playing cards, or
3 other property, the sale of which is prohibited by law,
4 under the penalties provided in this act ; but nothing
5 herein shall prevent any citizen of this state from sell-
6 ing any fish, fruit, provisions, farming utensils, or
7 other articles, lawfully raised or manufactured in this
8 state.

SECT. 4. Every person who receives a license under
2 this act, shall exhibit it all times when required by
3 any trial justice, constable or other peace officer ; and
4 upon refusal, he shall forfeit the sum of fifty dollars,
5 and the carriages, goods, wares and merchandise of

6 such person, which he is then and there employing
7 under such license, upon complaint before any justice
8 of a police or municipal court or any trial justice in
9 said county, may be seized under his warrant, and de-
10 tained in the custody of the officer until payment of
11 said penalty or the discharge of the accused ; and in
12 case of his conviction, if said property is not redeemed
13 within twenty days thereafter, it shall be forfeited,
14 and may be sold as if taken on execution, and the net
15 proceeds distributed as hereinafter provided.

SECT. 5. All penalties and forfeitures herein provided
2 may be recovered by indictment, or by action of debt
3 in the name of the prosecutor, one half to the use of the
4 town where the offence is committed, and the other to
5 the use of the person prosecuting therefor ; and any
6 trial justice or justice of a police or municipal court,
7 upon complaint for a violation of this act, may issue
8 his warrant and cause the arrest of the accused, and
9 the seizure of the property alleged to be forfeited, and
10 if upon examination he shall find there is probable
11 cause to believe that the person charged is guilty, he
12 may order him to recognize with sufficient sureties, to
13 appear before the next supreme judicial court for said
14 county, and in default thereof may commit him, and
15 may order the detention of said property by the officer

16 in whose custody it is, until trial in said court, and in
17 cases of conviction, said property shall be decreed for-
18 feited to the uses aforesaid, and shall be sold as if
19 taken on execution.

SECT. 6. Every person licensed, shall have painted
2 on some conspicuous place, on every carriage employed
3 by him, in letters at least one inch wide, his name,
4 and the words, licensed by C. C.

SECT. 7. Chapter forty-four of the revised statutes,
2 and chapter two hundred and ninety-six of the public
3 acts of eighteen hundred and sixty-five, are hereby
4 repealed, except as to all prosecutions and actions
5 under them, pending when this act shall take effect.

SECT. 8. This act shall take effect upon its approval
2 by the governor.

AMENDMENTS ADOPTED BY SENATE.

“H.”

Strike out the words, inhabitant of their county, in
2 the second line of section two, and add instead, the
3 word, *person*.

“I.”

Add after the word *character* in the fourth line of
2 section two, the word, *and*; and strike out in the fifth
3 and sixth lines of that section, the words, *and the year*
4 *next preceding, a resident of this state*.

“J.”

Amend section one, by adding after the word sale in
2 line four, the words, *or offering for sale*.

“K.”

By inserting after the word merchandise, in line five,
2 the words, *whole or by samples*.

“L.”

By striking out all of section two after the word to,
2 near the commencement of line nine, and substituting
3 therefor the following: the treasurer of said county, if

4 he is to sell or offer to sell by retail, ten dollars, if by
5 wholesale, twenty-five dollars; and said treasurers
6 shall pay all moneys received for such licenses into
7 the treasurer of state.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 16, 1866. }

On motion of Mr. MILLER of Portland, laid on the table, and
ordered to be printed with the amendments of the Senate.

F. M. DREW, *Clerk.*